

Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-1 et seq., Vernon's Texas Civil Statutes), or eligible for the distinguishing license plate provided for in Subsection (c) of Section 2, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-2, Vernon's Texas Civil Statutes), and on the basis of such criteria, said Department is authorized to determine whether such vehicle is or is not subject to registration under that chapter. Provided, however, that no vehicle heretofore authorized by the State Department of Highways and Public Transportation to operate without registration under the provisions of that chapter shall hereafter be required to register under the provisions thereof.

SECTION 7. Nothing in this Act shall be construed to include or apply to any person, firm or corporation authorized by the Railroad Commission of Texas to operate as a carrier for compensation or hire over the public highways of this state, whether or not all the operations of such person, firm or corporation are performed under such certificate, permit or authority granted by the commission.

SECTION 8. This Act does not repeal, or prevent the State Department of Highways and Public Transportation from issuing annual permits under Chapter 14, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6701d-18, Vernon's Texas Civil Statutes).

SECTION 9. If any provision of this Act or the application thereof to any body or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end, the provisions of this Act are declared to be severable.

SECTION 10. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 17, 1985, by the following vote: Yeas 112, Nays 0, 1 present, not voting; passed by the Senate on May 26, 1985, by the following vote: Yeas 31, Nays 0.

Approved: June 11, 1985

Effective: Immediately

CHAPTER 479

S.B. No. 813

An Act relating to the legislative branch of government, including penalties and conforming amendments.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Title 1, General Provisions, Government Code, and Title 3, Legislative Branch, Government Code, are adopted to read as follows:

"GOVERNMENT CODE

"TITLE 1. GENERAL PROVISIONS

"CHAPTER 1. GENERAL PROVISIONS

Section 1.001. PURPOSE OF CODE

Section 1.002. CONSTRUCTION OF CODE

Section 1.003. INTERNAL REFERENCES

"GOVERNMENT CODE

"TITLE 1. GENERAL PROVISIONS

"CHAPTER 1. GENERAL PROVISIONS

"Section 1.001. PURPOSE OF CODE. (a) This code is enacted as a part of the state's continuing statutory revision program, begun by the Texas Legislative Council in 1963 as

directed by the legislature in the law codified as Chapter 323 of this code. The program contemplates a topic-by-topic revision of the state's general and permanent statute law without substantive change.

“(b) Consistent with the objectives of the statutory revision program, the purpose of this code is to make the law encompassed by this code more accessible and understandable, by:

- “(1) rearranging the statutes into a more logical order;
- “(2) employing a format and numbering system designed to facilitate citation of the law and to accommodate future expansion of the law;
- “(3) eliminating repealed, duplicative, unconstitutional, expired, executed, and other ineffective provisions; and
- “(4) restating the law in modern American English to the greatest extent possible. (New.)

“Section 1.002. CONSTRUCTION OF CODE. The Code Construction Act (Chapter 311 of this code) applies to the construction of each provision in this code, except as otherwise expressly provided by this code. (New.)

“Section 1.003. INTERNAL REFERENCES. In this code:

- “(1) a reference to a title, chapter, or section without further identification is a reference to a title, chapter, or section of this code; and
- “(2) a reference to a subtitle, subchapter, subsection, subdivision, paragraph, or other numbered or lettered unit without further identification is a reference to a unit of the next larger unit of this code in which the reference appears. (New.)

“[Chapters 2-300 reserved for expansion]

“TITLE 3. LEGISLATIVE BRANCH

“SUBTITLE A. LEGISLATURE

“CHAPTER 301. LEGISLATIVE ORGANIZATION

“SUBCHAPTER A. INITIAL MEETING AND ORGANIZATION

Section 301.001. TIME OF MEETING

Section 301.002. WHO MAY ORGANIZE

Section 301.003. SECRETARY OF STATE AS PRESIDING OFFICER

Section 301.004. DUTIES OF CLERK

Section 301.005. LACK OF QUORUM

Section 301.006. SELECTION OF OFFICERS

Section 301.007. DISTRIBUTION OF JOURNALS

[Sections 301.008-301.010 reserved for expansion]

“SUBCHAPTER B. LEGISLATIVE REORGANIZATION ACT

Section 301.011. SHORT TITLE

Section 301.012. PURPOSE

Section 301.013. SELECTION OF COMMITTEES

Section 301.014. POWERS AND DUTIES OF STANDING COMMITTEES

Section 301.015. MEETINGS OF STANDING COMMITTEES

Section 301.016. SPECIAL COMMITTEES

Section 301.017. GENERAL INVESTIGATING COMMITTEES

Section 301.018. GENERAL INVESTIGATING COMMITTEE MEETINGS

Section 301.019. JOINT GENERAL INVESTIGATING COMMITTEE HEARINGS

Section 301.020. POWERS AND DUTIES OF GENERAL INVESTIGATING COMMITTEES

Section 301.021. GENERAL INVESTIGATING COMMITTEE EMPLOYEES

Section 301.022. TESTIMONY UNDER OATH

Section 301.023. ADMINISTERING OATHS

Section 301.024. PROCESS

Section 301.025. REFUSAL TO TESTIFY

Section 301.026. CONTEMPT OF LEGISLATURE

Section 301.027. PROSECUTION FOR CONTEMPT OF LEGISLATURE

Section 301.028. COOPERATION OF OTHER AGENCIES

Section 301.029. APPROPRIATIONS FOR SALARIES, PER DIEM, AND EXPENDITURES

Section 301.030. TRAVEL EXPENSES

Section 301.031. COMMITTEE STAFF

[Sections 301.032-301.040 reserved for expansion]

"SUBCHAPTER C. MEMBERSHIP ON INTERIM COMMITTEES

Section 301.041. TERMINATION OF MEMBERSHIP

"TITLE 3. LEGISLATIVE BRANCH

"SUBTITLE A. LEGISLATURE

"CHAPTER 301. LEGISLATIVE ORGANIZATION

"SUBCHAPTER A. INITIAL MEETING AND ORGANIZATION

"Section 301.001. TIME OF MEETING. The legislature shall convene in regular session at 12 noon on the second Tuesday in January of each odd-numbered year. (V.A.C.S. Art. 5422.)

"Section 301.002. WHO MAY ORGANIZE. The following persons only may organize the senate and house of representatives:

"(1) senators who have not completed their terms of office; and

"(2) individuals who have received certification of election to the house of representatives or senate. (V.A.C.S. Art. 5423.)

"Section 301.003. SECRETARY OF STATE AS PRESIDING OFFICER. (a) The secretary of state shall attend the convening of each regular legislative session and shall preside.

"(b) If there is no secretary of state or if the secretary of state is absent or unable to attend, the attorney general shall attend and preside.

"(c) The secretary of state shall appoint a clerk to take the minutes of the proceedings. If the chief clerk of the house of representatives for the previous session is present, the secretary of state shall appoint that person to act as clerk. (V.A.C.S. Art. 5424.)

"Section 301.004. DUTIES OF CLERK. (a) Under the direction of the secretary of state, the clerk shall call the counties in alphabetical order regardless of whether the secretary of state has received the election returns for each county.

"(b) If an individual appears at the call and presents proper evidence of his election, the individual shall be admitted or qualified as if the individual's election returns had been made to the secretary of state.

"(c) After the clerk has called the counties and the members-elect have appeared and presented their credentials, the clerk shall administer the official oath to each member-elect. (V.A.C.S. Arts. 5425, 5426.)

"Section 301.005. LACK OF QUORUM. If a quorum is not present on the day the legislature is to convene, the secretary of state and the clerk shall attend each day until a quorum appears and is qualified. (V.A.C.S. Art. 5427.)

"Section 301.006. SELECTION OF OFFICERS. (a) Immediately after election of the speaker of the house of representatives under Section 302.001, the speaker shall take the chair.

"(b) After the speaker takes the chair, the house of representatives shall choose necessary officers and the speaker shall administer the official oath to them. (V.A.C.S. Art. 5429.)

"Section 301.007. DISTRIBUTION OF JOURNALS. (a) The lieutenant governor and speaker shall each appoint an employee to distribute the journal of the respective houses.

"(b) The employee shall distribute a copy of the journal to:

"(1) the governor;

"(2) each member of the legislature; and

"(3) heads of departments, if requested. (V.A.C.S. Art. 5429d.)

“[Sections 301.008-301.010 reserved for expansion]

“SUBCHAPTER B. LEGISLATIVE REORGANIZATION ACT

“Section 301.011. **SHORT TITLE.** This subchapter may be cited as the Legislative Reorganization Act of 1961. (V.A.C.S. Art. 5429f, Sec. 1.)

“Section 301.012. **PURPOSE.** The legislature believes that it must conduct its activities on a full-time and continuing basis in order to achieve efficiency and continuity in performing its duties. It is the purpose of this subchapter to authorize legislative committees and other legislative instrumentalities to work and meet their responsibilities regardless of whether the legislature is in session. (V.A.C.S. Art. 5429f, Sec. 2.)

“Section 301.013. **SELECTION OF COMMITTEES.** (a) In its rules of procedure or in a simple resolution, each house may determine the number, composition, function, membership, and authority of its committees.

“(b) By concurrent resolution, the two houses may determine the number, composition, function, membership, and authority of joint committees. (V.A.C.S. Art. 5429f, Sec. 4.)

“Section 301.014. **POWERS AND DUTIES OF STANDING COMMITTEES.** (a) Each standing committee shall:

“(1) conduct a continuing study of any matter within its jurisdiction and of the instrumentalities of government administering or executing the matter;

“(2) examine the administration and execution of all laws relating to matters within its jurisdiction;

“(3) conduct investigations to collect adequate information and materials necessary to perform its duties;

“(4) formulate legislative programs; and

“(5) initiate, draft, and recommend to the appropriate house any legislation the committee believes is necessary and desirable.

“(b) The chair of each standing committee shall introduce or cause to be introduced the legislative programs developed by the committee and shall mobilize committee efforts to secure the enactment into law of committee proposals.

“(c) Each committee may inspect the records, documents, and files of each state department, agency, or office as necessary to perform the committee's duties.

“(d) A standing committee is not limited in its legislative endeavors to considering bills, resolutions, or other proposals submitted by individual legislators. Each committee shall search for problems within its jurisdiction and develop, formulate, initiate, and secure passage of any legislative solution the committee believes is desirable. (V.A.C.S. Art. 5429f, Secs. 5, 18 (part).)

“Section 301.015. **MEETINGS OF STANDING COMMITTEES.** (a) When the legislature is in session, each standing committee shall, if practicable, meet regularly according to applicable legislative requirements and rules of procedure. A committee shall meet at other times determined by the committee.

“(b) When the legislature is not in session, each standing committee shall meet as necessary to transact the committee's business. Each committee shall meet in Austin, except that if authorized by resolution of the house creating the committee, the committee may meet in any location in this state that the committee determines necessary. To the extent authorized by resolution, each committee may determine its meeting times. (V.A.C.S. Art. 5429f, Sec. 6.)

“Section 301.016. **SPECIAL COMMITTEES.** (a) By resolution, each house acting individually or the two houses acting jointly may create special committees.

“(b) A special committee shall perform the duties and functions and exercise the powers prescribed by the resolution creating the committee.

“(c) Except as limited by the resolution creating the special committee, a special committee shall have and exercise the powers granted under this subchapter to a standing committee. A special committee also has any other powers delegated to it by the resolution creating the committee, subject to the limitations of law. (V.A.C.S. Art. 5429f, Sec. 7.)

“Section 301.017. **GENERAL INVESTIGATING COMMITTEES.** (a) By resolution, each house may create a general investigating committee.

“(b) The senate general investigating committee must consist of five senators appointed by the president of the senate. The president of the senate shall designate a committee member as chairman.

“(c) The house general investigating committee must consist of five house members appointed by the speaker. The speaker shall designate a committee member as chairman.

“(d) Each member serves a term beginning on the date of the member's appointment and ending with the convening of the next regular session following the date of appointment.

"(e) If a vacancy occurs on a general investigating committee, the appropriate appointing authority shall appoint a person to fill the vacancy in the same manner as the original appointment.

"(f) Each general investigating committee shall select a vice-chairman and secretary from among its members.

"(g) Members of a general investigating committee are entitled to reimbursement for actual and necessary expenses incurred in attending committee meetings and engaging in committee work.

"(h) All expenses of a general investigating committee, including compensation of the committee's employees and expenses incurred by members, shall be paid out of any appropriation to the legislature for mileage, per diem, and contingent expenses. (V.A.C.S. Art. 5429f, Secs. 8(a), (b) (part).)

"Section 301.018. GENERAL INVESTIGATING COMMITTEE MEETINGS. (a) Each general investigating committee may begin work as soon as it desires after its members are appointed. Each general investigating committee created under this subchapter shall meet, organize, and adopt rules of evidence and procedure and any other necessary rules. The committee rules may not conflict with Section 301.025.

"(b) Whether or not the legislature is in session, each general investigating committee may meet at any time or place in the state determined necessary by the committee.

"(c) Each general investigating committee shall keep a record of its proceedings.

"(d) Three members of a general investigating committee constitute a quorum to transact business.

"(e) If the general investigating committees decide not to conduct joint hearings as provided by Section 301.019, the committees shall establish a liaison to fully inform the chairman of the inactive committee of the nature and progress of any inquiry by the other committee. (V.A.C.S. Art. 5429f, Secs. 8(b) (part), (c) (part).)

"Section 301.019. JOINT GENERAL INVESTIGATING COMMITTEE HEARINGS. (a) On a majority vote of each general investigating committee, the committees may conduct joint hearings and investigations. The committees may adopt joint rules to govern the hearings.

"(b) If the general investigating committees conduct joint inquiries or investigations, the chairman of the senate committee shall be the chairman and the chairman of the house committee shall be the vice-chairman.

"(c) Seven members of a joint general investigating committee constitute a quorum. (V.A.C.S. Art. 5429f, Secs. 8(b) (part), (c) (part).)

"Section 301.020. POWERS AND DUTIES OF GENERAL INVESTIGATING COMMITTEES. (a) Each general investigating committee may initiate or continue inquiries and hearings concerning:

"(1) state government;

"(2) any agency or subdivision of government within the state;

"(3) the expenditure of public funds at any level of government within the state; and

"(4) any other matter the committee considers necessary for the information of the legislature or for the welfare and protection of state citizens.

"(b) Each general investigating committee may inspect the records, documents, and files and may examine the duties, responsibilities, and activities of each state department, agency, and officer and of each municipality, county, or other political subdivision of the state.

"(c) If a person disobeys a subpoena or other process that a general investigating committee lawfully issues, the committee may cite the person for contempt and cause the person to be prosecuted for contempt according to the procedure prescribed by this chapter or by other law.

"(d) Each general investigating committee shall make reports to members of the legislature that the committee determines are necessary and appropriate. (V.A.C.S. Art. 5429f, Sec. 8(b) (part).)

"Section 301.021. GENERAL INVESTIGATING COMMITTEE EMPLOYEES. (a) If for any reason it is necessary to obtain assistance in addition to the services provided by the State Auditor, attorney general, Texas Legislative Council, or Department of Public Safety, each general investigating committee may employ and compensate assistants to assist in any investigation, audit, or legal matter.

"(b) Each general investigating committee may employ and compensate clerks, stenographers, and other employees to conduct committee investigations and hearings and keep proper records.

"(c) Before a general investigating committee may employ or compensate an employee, the committee must submit the proposed employment to the president of the senate or speaker of the

house, as appropriate, for authorization. If the president of the senate or speaker agrees to the proposed employment, he must authorize the employment in writing. (V.A.C.S. Art. 5429f, Sec. 8(b) (part).)

"Section 301.022. TESTIMONY UNDER OATH. (a) All legislative committees shall require witnesses to give testimony under oath, subject to the penalties of perjury.

"(b) The oath required by this section may be waived by any committee except a general investigating committee. (V.A.C.S. Art. 5429f, Secs. 8(b) (part), 11.)

"Section 301.023. ADMINISTERING OATHS. (a) The following individuals may administer oaths to testifying witnesses:

- "(1) the president of the senate;
- "(2) the speaker of the house;
- "(3) the chairman or acting chairman of a standing or special committee; and
- "(4) the chairman or acting chairman of a joint committee.

"(b) If circumstances require, a member of either house may administer an oath to a witness testifying on a matter pending in the member's house or in a committee of that house. (V.A.C.S. Art. 5429f, Secs. 8(b) (part), 10.)

"Section 301.024. PROCESS. (a) A general investigating committee may issue process to compel the attendance of witnesses and the production of books, records, documents, and instruments required by the committee. Any other committee may issue process if authorized by the resolution creating the committee or the rules of procedure of the creating house. A committee may issue process to a witness at any place in this state.

"(b) A committee chairman shall issue in the name of the committee all subpoenas and other process as directed by the committee.

"(c) If necessary to obtain compliance with a subpoena or other process, a committee may issue writs of attachment.

"(d) All process may be addressed to and served by any peace officer of this state or by the sergeant at arms appointed by the committee.

"(e) A witness who attends a committee proceeding or a proceeding of either house under process is entitled to the same mileage and per diem as a witness who appears before a grand jury in this state. Mileage and per diem are paid from that house's contingent expense fund or from the contingent expense fund of the committee conducting the proceeding. (V.A.C.S. Art. 5429f, Secs. 8(b) (part), 12, 17.)

"Section 301.025. REFUSAL TO TESTIFY. (a) A witness called by either house or by a legislative committee does not have a privilege to refuse to testify to a fact or produce a document on the ground that the testimony or document may tend to disgrace the person or otherwise make the person infamous.

"(b) The legislature may require a person to testify or produce a document concerning a matter under inquiry before either house or a legislative committee even if the person claims that the testimony or document may incriminate him.

"(c) If a person testifies or produces a document while claiming that the testimony or document may incriminate him, the person may not be indicted or prosecuted for any transaction, matter, or thing about which the person truthfully testified or produced evidence.

"(d) A witness has a right to counsel when testifying before the legislature or a legislative committee. (V.A.C.S. Art. 5429f, Sec. 13.)

"Section 301.026. CONTEMPT OF LEGISLATURE. (a) A person commits an offense if the person:

- "(1) has been summoned as a witness to testify or produce papers by either house or any legislative committee; and
- "(2) refuses to appear, refuses to answer relevant questions, or refuses to produce required books, papers, records, or documents.

"(b) An offense under this section is a misdemeanor punishable by a fine of not less than \$100 nor more than \$1,000 and by imprisonment for not less than 30 days nor more than 12 months. (V.A.C.S. Art. 5429f, Sec. 14.)

"Section 301.027. PROSECUTION FOR CONTEMPT OF LEGISLATURE. (a) If a person is summoned by either house or any legislative committee as prescribed by Section 301.024 and fails to appear, refuses to answer relevant questions, or fails to produce required books, papers, records, or documents while the legislature is in session, the fact of the failure may be reported to either house. If the legislature is not in session, a statement of facts concerning the failure may be reported to and filed with the president of the senate or speaker of the house.

"(b) If the president of the senate or speaker receives a report or statement of facts as provided by Subsection (a), the president of the senate or speaker shall certify the statement of facts to the Travis County district attorney under the seal of the senate or house of representatives, as appropriate.

"(c) The Travis County district attorney shall bring the matter before the grand jury for action. If the grand jury returns an indictment, the district attorney shall prosecute the indictment. (V.A.C.S. Art. 5429f, Sec. 15.)

"Section 301.028. COOPERATION OF OTHER AGENCIES. (a) Each standing committee, including a general investigating committee, may request necessary assistance from all state agencies, departments, and offices, including:

- "(1) the State Auditor;
- "(2) the Texas Legislative Council;
- "(3) the Department of Public Safety; and
- "(4) the attorney general.

"(b) Each state agency, department, and office shall assist any legislative committee that requests assistance. (V.A.C.S. Art. 5429f, Secs. 8(b) (part), 18 (part).)

"Section 301.029. APPROPRIATIONS FOR SALARIES, PER DIEM, AND EXPENDITURES. (a) Each house may pay contingent expenses for the entire term of each member of that house.

"(b) Each house may appropriate money to pay all salaries, per diem, and other expenditures authorized by law.

"(c) The appropriations to the legislature shall specify separate appropriations for the house of representatives and for the senate.

"(d) The comptroller of public accounts shall keep each house's accounts separate and distinct. Unless authorized by law, money in one account may not be transferred to the other account. (V.A.C.S. Art. 5429f, Sec. 21.)

"Section 301.030. TRAVEL EXPENSES. (a) Except as otherwise provided by this subchapter, members or employees of each house, when engaged in authorized travel, are entitled to receive, as provided by resolution, either actual and necessary expenses or a per diem not to exceed the per diem prescribed for state officials or employees.

"(b) Members or employees engaged in authorized travel outside the state are entitled to receive reimbursement for actual and necessary expenses in excess of the per diem. (V.A.C.S. Art. 5429f, Sec. 20.)

"Section 301.031. COMMITTEE STAFF. From its contingent expense fund, each house may provide for necessary clerks, clerical assistance, and staff to each committee created by that house. (V.A.C.S. Art. 5429f, Sec. 19.)

"[Sections 301.032-301.040 reserved for expansion]

"SUBCHAPTER C. MEMBERSHIP ON INTERIM COMMITTEES

"Section 301.041. TERMINATION OF MEMBERSHIP. (a) A duly appointed senator's or representative's membership on the Legislative Budget Board, Legislative Library Board, Legislative Audit Committee, Texas Legislative Council, or any other interim committee terminates if the member:

- "(1) resigns the membership;
- "(2) ceases membership in the legislature for any reason; or
- "(3) fails to be nominated or elected to the legislature for the next term.

"(b) A vacancy created under this section shall be immediately filled by appointment for the unexpired term in the same manner as the original appointment.

"(c) If a member serves on the Legislative Budget Board, Legislative Library Board, or Legislative Audit Committee because of the member's position as chairman of a standing committee, this section does not affect the member's position as chairman of that standing committee. (V.A.C.S. Art. 5429e.)

"CHAPTER 302. SPEAKER OF THE HOUSE OF REPRESENTATIVES

"SUBCHAPTER A. ELECTION OF SPEAKER

Section 302.001. ELECTION

[Sections 302.002-302.010 reserved for expansion]

"SUBCHAPTER B. CANDIDATE FOR SPEAKER: CAMPAIGN FINANCE

Section 302.011. DEFINITIONS

Section 302.012. RECORDS

Section 302.013. FILING OF STATEMENT OF CONTRIBUTIONS, LOANS, AND EXPENDITURES

Section 302.014. CONTENTS OF STATEMENT

Section 302.015. REQUISITES OF FILING

Section 302.016. PUBLIC RECORDS

Section 302.017. CONTRIBUTIONS AND LOANS FROM ORGANIZATIONS

Section 302.018. CONTRIBUTIONS FROM EXECUTIVE OR JUDICIAL OFFICERS OR EMPLOYEES

Section 302.019. INDIVIDUAL CONTRIBUTIONS; CAMPAIGN EXPENDITURES

Section 302.020. PERMITTED EXPENDITURES

Section 302.021. OFFENSES AND PENALTIES

Section 302.022. PROSECUTION BY INDICTMENT

[Sections 302.023-302.030 reserved for expansion]

"SUBCHAPTER C. LEGISLATIVE BRIBERY

Section 302.031. DEFINITION

Section 302.032. LEGISLATIVE BRIBERY: PROMISES OR THREATS

Section 302.033. LEGISLATIVE BRIBERY: ACCEPTING BENEFITS

Section 302.034. PENALTY

Section 302.035. PERMITTED COMMUNICATIONS, DISCUSSIONS, AND ADVOCACY

"CHAPTER 302. SPEAKER OF THE HOUSE OF REPRESENTATIVES

"SUBCHAPTER A. ELECTION OF SPEAKER

"Section 302.001. ELECTION. When the house of representatives first convenes in regular session and a quorum is present and has been qualified, the house shall elect a speaker unless a majority of the members present decides to defer the election. (V.A.C.S. Art. 5428.)

"[Sections 302.002-302.010 reserved for expansion]

"SUBCHAPTER B. CANDIDATE FOR SPEAKER: CAMPAIGN FINANCE

"Sec. 302.011. DEFINITIONS. In this subchapter:

"(1) 'Speaker candidate' means a member of or candidate for the house of representatives who has announced his candidacy for or who by his actions, words, or deeds seeks election to the office of speaker of the house of representatives.

"(2) 'Campaign expenditure' means the expenditure of money or the use of services or any other thing of value to aid or defeat the election of a speaker candidate.

"(3) 'Campaign funds' means the speaker candidate's personal funds that are devoted to the campaign for speaker and any money, services, or other things of value that are contributed or loaned to the speaker candidate for use in the candidate's campaign for speaker. (V.A.C.S. Art. 5428a, Sec. 1 (part).)

"Section 302.012. RECORDS. (a) Each speaker candidate shall keep records of all information required to be filed under this subchapter.

"(b) The records must be kept separate from the records required under the Texas Election Code for the speaker candidate's campaign for any other public office. (V.A.C.S. Art. 5428a, Sec. 2.)

"Section 302.013. FILING OF STATEMENT OF CONTRIBUTIONS, LOANS, AND EXPENDITURES. (a) Each speaker candidate shall file a sworn statement with the secretary of state listing the information required by Section 302.014.

"(b) Each speaker candidate shall file the statement on:

"(1) the first filing date after the announcement or initiation of the candidacy;

"(2) each filing date during the candidacy; and

"(3) each filing date until all campaign loans have been repaid.

"(c) The filing dates are the first day of January, March, May, July, September, and November and the day before each regular or called session of the legislature convenes.

"(d) Each speaker candidate shall file the statement on an official form designed by the secretary of state. (V.A.C.S. Art. 5428a, Secs. 1 (part), 3 (part).)

"Section 302.014. CONTENTS OF STATEMENT. Each statement must list the following information for the period since the last filing date:

“(1) each contribution of money the speaker candidate or the speaker candidate’s agent, servant, staff member, or employee received for the campaign, the complete name and address of the contributor, and the date and amount of the contribution;

“(2) each contribution of services and other things of value other than money that the speaker candidate or the speaker candidate’s agent, servant, staff member, or employee received for the campaign, the nature of the contribution, the complete name and address of the contributor, and the date and value of the contribution;

“(3) each loan made to the speaker candidate or to the speaker candidate’s agent, servant, staff member, or employee for the campaign, including all loans listed in previous filings that are as yet unpaid or that were paid during the period covered by the present filing, the complete name and address of the lender and each person other than the speaker candidate who is responsible on the note, the date and amount of the note, the intended source of funds to repay the note, and any payments already made on the note and the source of the payments; and

“(4) each expenditure of campaign funds that the speaker candidate or the speaker candidate’s agent, servant, staff member, or employee made for the campaign, the complete name and address of each person to whom a payment of more than \$10 was made, and the purpose of each expenditure. (V.A.C.S. Art. 5428a, Sec. 3 (part).)

“Section 302.015. REQUISITES OF FILING. (a) Except as provided by Subsection (b), a statement is considered to be filed in compliance with this subchapter if the postmark shows that it was sent to the secretary of state at his official post office address by registered or certified mail from any point in this state before the filing deadline.

“(b) A statement required to be filed on the day before a regular or called session convenes must actually be delivered and in the possession of the secretary of state not later than 4 p.m. of that day. (V.A.C.S. Art. 5428a, Sec. 4.)

“Section 302.016. PUBLIC RECORDS. (a) Each statement filed under this subchapter is public information and shall be preserved for two years after the election for which it was filed.

“(b) Unless a court of competent jurisdiction orders further preservation, a statement may be destroyed after the two-year period prescribed by Subsection (a). (V.A.C.S. Art. 5428a, Sec. 6.)

“Section 302.017. CONTRIBUTIONS AND LOANS FROM ORGANIZATIONS. (a) Except as provided by Subsection (b), a corporation, partnership, association, firm, union, foundation, committee, club, or other organization or group of persons may not contribute or lend or promise to contribute or lend money or other things of value to a speaker candidate or to any other person, directly or indirectly, to aid or defeat the election of a speaker candidate.

“(b) This section does not apply to a loan made in the due course of business to a speaker candidate for campaign purposes by a corporation that is legally engaged in the business of lending money and that has continuously conducted the business for more than one year before making the loan to the speaker candidate. (V.A.C.S. Art. 5428a, Sec. 7 (part).)

“Section 302.018. CONTRIBUTIONS FROM EXECUTIVE OR JUDICIAL OFFICERS OR EMPLOYEES. An elected officer or employee of the executive or judicial branch of state government may not contribute personal services, money, or goods of value to a speaker candidate’s campaign. (V.A.C.S. Art. 5428a, Sec. 11 (part).)

“Section 302.019. INDIVIDUAL CONTRIBUTIONS; CAMPAIGN EXPENDITURES. (a) Except as provided by Section 302.017 or 302.018, an individual other than the speaker candidate may contribute personal services and traveling expenses to aid or defeat a speaker candidate.

“(b) An individual other than the speaker candidate may expend a total of not more than \$100 for the cost of correspondence to aid or defeat the election of a speaker candidate.

“(c) Except as provided by Subsections (a) and (b), all campaign expenditures must be made by the speaker candidate from campaign funds. (V.A.C.S. Art. 5428a, Sec. 10 (part).)

“Section 302.020. PERMITTED EXPENDITURES. A speaker candidate may expend campaign funds for:

“(1) travel for the speaker candidate and the speaker candidate’s immediate family and campaign staff;

“(2) the employment of clerks and stenographers;

“(3) clerical and stenographic supplies;

“(4) printing and stationery;

“(5) office rent;

“(6) telephone, telegraph, postage, freight, and express expenses;

“(7) advertising and publicity;

“(8) the expenses of holding political and other meetings designed to promote the candidacy;

“(9) the employment of legal counsel; and

“(10) the retirement of campaign loans. (V.A.C.S. Art. 5428a, Sec. 9 (part).)

“Section 302.021. OFFENSES AND PENALTIES. (a) A speaker candidate commits an offense if the speaker candidate:

“(1) wilfully fails to file the statement required by Section 302.013;

“(2) knowingly receives a contribution, loan, or promise of a contribution or loan prohibited by Section 302.017 from a corporation, partnership, association, firm, union, foundation, committee, club, or other organization or group of persons; or

“(3) expends campaign funds for any purpose other than those enumerated in Section 302.020.

“(b) An agent, officer, or director of a corporation, partnership, association, firm, union, foundation, committee, club, or other organization or group of persons commits an offense if the agent, officer, or director consents to a contribution, loan, or promise of a contribution or loan prohibited by this subchapter.

“(c) A person commits an offense if the person conspires with another person to circumvent any provision of this subchapter.

“(d) An individual other than the speaker candidate commits an offense if the individual, either acting alone or with another individual, expends or authorizes the expenditure of more than \$100 for correspondence to aid or defeat the election of a speaker candidate or expends funds for any purpose other than for personal services and traveling expenses to aid or defeat the election of a speaker candidate.

“(e) A person commits an offense if the person contributes personal services, money, or goods in violation of Section 302.018.

“(f) An offense under this section is a misdemeanor punishable by a fine of not less than \$500 nor more than \$5,000, by imprisonment for not more than one year, or by both. (V.A.C.S. Art. 5428a, Secs. 5, 7 (part), 8, 9 (part), 10 (part), 11 (part).)

“Section 302.022. PROSECUTION BY INDICTMENT. Each prosecution under this subchapter must be brought by indictment rather than by complaint and information. (V.A.C.S. Art. 5428a, Sec. 12.)

“[Sections 302.023-302.030 reserved for expansion]

SUBCHAPTER C. LEGISLATIVE BRIBERY

“Section 302.031. DEFINITION. In this subchapter, ‘economic benefit’ means anything reasonably regarded as economic gain or advantage, including a campaign contribution. (V.A.C.S. Art. 5428b, Sec. 3.)

“Section 302.032. LEGISLATIVE BRIBERY: PROMISES OR THREATS. A person commits an offense if, with the intent to influence a member of or candidate for the house of representatives in casting a vote for speaker of the house of representatives, the person:

“(1) promises or agrees to cause:

“(A) the appointment of a person to a chairmanship or vice-chairmanship of a house committee or subcommittee;

“(B) the appointment of a person to a particular house committee or subcommittee, the Legislative Budget Board, the Texas Legislative Council, the Legislative Library Board, the Legislative Audit Committee, or any other position the speaker appoints;

“(C) preferential treatment on any legislation or appropriation;

“(D) the employment of a person; or

“(E) economic benefit to a person; or

“(2) threatens to cause:

“(A) the failure to appoint a person to a chairmanship or vice-chairmanship of a house committee or subcommittee;

“(B) the failure to appoint a person to a particular house committee or subcommittee, the Legislative Budget Board, the Texas Legislative Council, the Legislative Library Board, the Legislative Audit Committee, or any other position the speaker appoints;

“(C) unfavorable treatment on any legislation or appropriation;

“(D) the refusal of or removal from employment of a person; or

“(E) the withholding of economic benefit from a person. (V.A.C.S. Art. 5428b, Sec. 1.)

“Section 302.033. LEGISLATIVE BRIBERY: ACCEPTING BENEFITS. A member of or candidate for the house of representatives commits an offense if, on the representation or

understanding that the member or candidate will cast a vote for a particular person for speaker of the house of representatives, the member or candidate solicits, accepts, or agrees to accept:

“(1) the appointment of or refusal to appoint a person to a chairmanship or vice-chairmanship of a house committee or subcommittee;

“(2) the appointment of or refusal to appoint a person to a particular house committee or subcommittee, the Legislative Budget Board, the Texas Legislative Council, the Legislative Library Board, the Legislative Audit Committee, or any other position the speaker appoints;

“(3) preferential or unfavorable treatment on any legislation or appropriation;

“(4) the employment of, refusal of employment of, or removal from employment of a person; or

“(5) economic benefit to or withholding of economic benefit from a person. (V.A.C.S. Art. 5428b, Sec. 2.)

“Section 302.034. PENALTY. An offense under this subchapter is a felony punishable by imprisonment for not less than two years nor more than five years. (V.A.C.S. Art. 5428b, Sec. 5.)

“Section 302.035. PERMITTED COMMUNICATIONS, DISCUSSIONS, AND ADVOCACY. This subchapter does not prohibit:

“(1) a person from contacting or communicating with a member of or candidate for the house of representatives about a legislative matter; or

“(2) a member of or candidate for the house from discussing, taking a position on, or advocating any action on a substantive issue in a speaker's race or any other legislative matter. (V.A.C.S. Art. 5428b, Sec. 4.)

“CHAPTER 303. GOVERNOR FOR A DAY AND SPEAKER'S DAY

Section 303.001. DEFINITIONS

Section 303.002. CHAIRMAN

Section 303.003. CONTRIBUTIONS

Section 303.004. EXPENDITURES

Section 303.005. FINAL REPORT

“CHAPTER 303. GOVERNOR FOR A DAY AND SPEAKER'S DAY

“Section 303.001. DEFINITIONS. In this chapter:

“(1) ‘Governor for a day ceremony’ means a ceremony held during a state senator's tenure as president pro tempore to honor the senator for the senator's service to the state.

“(2) ‘Speaker's day ceremony’ means a ceremony held during the tenure of the speaker of the house of representatives to honor the speaker for the speaker's service to the state. (V.A.C.S. Art. 5429m, Sec. 1.)

“Section 303.002. CHAIRMAN. (a) Before any contributions are accepted or any expenditures are made for a governor for a day or speaker's day ceremony, the president pro tempore or the speaker, as appropriate, shall designate a chairman to be responsible for conducting the ceremony.

“(b) The chairman is responsible for filing each report required by this chapter. (V.A.C.S. Art. 5429m, Sec. 2.)

“Section 303.003. CONTRIBUTIONS. (a) An individual, association, corporation, or other legal entity may contribute funds, services, or other things of value to defray the expenses of the governor for a day or speaker's day ceremony. A contribution under this subsection is not a political contribution for purposes of state law regulating political contributions or prohibiting political contributions by corporations or labor organizations.

“(b) The chairman shall keep a record of each contribution received to defray the expenses of the governor for a day or speaker's day ceremony. (V.A.C.S. Art. 5429m, Sec. 3.)

“Section 303.004. EXPENDITURES. (a) The chairman may authorize the expenditure of funds for:

“(1) printing;

“(2) employment of staff;

“(3) professional and consultant fees;

“(4) postage, telephone, and telegraph expenses; and

“(5) any other purpose reasonably related to conducting the governor for a day or speaker's day ceremony, including fund raising.

“(b) The chairman shall keep a record of each expenditure related to the governor for a day or speaker's day ceremony. (V.A.C.S. Art. 5429m, Sec. 4.)

"Section 303.005. FINAL REPORT. (a) Not later than the 60th day after the date on which the governor for a day or speaker's day ceremony occurs, the chairman shall file with the secretary of state a final report indicating:

- "(1) the name and address of each contributor of more than \$50;
- "(2) the amount of each contribution of more than \$50;
- "(3) whether a contribution of more than \$50 was in cash or in kind;
- "(4) the total of all contributions of \$50 or less;
- "(5) the total of all contributions received;
- "(6) the name and address of each entity to which an expenditure of more than \$50 was made;
- "(7) the amount of each expenditure of more than \$50;
- "(8) the purpose of each expenditure of more than \$50;
- "(9) the total of all expenditures of \$50 or less; and
- "(10) the total of all expenditures.

"(b) If there is an outstanding debt when the final report is filed, the chairman shall file a supplemental report not later than the 30th day after the date on which the debt is retired indicating the information required by Subsection (a) from the time of the final report to the filing of the supplemental report.

"(c) If each obligation has been paid at the end of the 60-day period and there is an outstanding balance, the chairman shall distribute the balance to one or more charities designated by the president pro tempore or speaker.

"(d) The reports required by this chapter are public information. (V.A.C.S. Art. 5429m, Sec. 5.)

"CHAPTER 304. EMERGENCY INTERIM LEGISLATIVE SUCCESSION

Section 304.001. SHORT TITLE

Section 304.002. DEFINITIONS

Section 304.003. DESIGNATION OF EMERGENCY INTERIM SUCCESSORS BY EMPLOYEES RETIREMENT SYSTEM OF TEXAS

Section 304.004. DESIGNATION OF EMERGENCY INTERIM SUCCESSORS BY LEGISLATOR: ALTERNATE LIST

Section 304.005. RECORDING

Section 304.006. STATUS AND QUALIFICATIONS OF EMERGENCY INTERIM SUCCESSORS

Section 304.007. OATH

Section 304.008. ASSUMPTION OF POWERS AND DUTIES

Section 304.009. PRIVILEGES, IMMUNITIES, AND COMPENSATION

Section 304.010. DUTY TO REMAIN INFORMED

Section 304.011. QUORUM; VOTES

"CHAPTER 304. EMERGENCY INTERIM LEGISLATIVE SUCCESSION

"Section 304.001. SHORT TITLE. This chapter may be cited as the Emergency Interim Legislative Succession Act. (V.A.C.S. Art. 5429o, Sec. 1.)

"Section 304.002. DEFINITIONS. In this chapter:

"(1) 'Attack' means any action or series of actions taken by an enemy of the United States resulting in substantial damage or injury to persons or property in this state whether by sabotage, bombs, missiles, shellfire, or atomic, radiological, chemical, bacteriological, or biological means or by other weapons or methods.

"(2) 'Unavailable' means dead or unable for physical, mental, or legal reasons to exercise the powers and discharge the duties of a legislator, whether or not the absence or inability would give rise to a vacancy under existing constitutional or statutory provisions. (V.A.C.S. Art. 5429o, Sec. 2.)

"Section 304.003. DESIGNATION OF EMERGENCY INTERIM SUCCESSORS BY EMPLOYEES RETIREMENT SYSTEM OF TEXAS. (a) For the purpose of designating emergency interim successors to legislators, the executive director of the Employees Retirement System of Texas shall:

"(1) submit to the lieutenant governor, if possible, the names of not less than three nor more than seven individuals residing in each state senatorial district who:

"(A) are members or retirees of the Employees Retirement System of Texas; and

"(B) previously served as senators in the Texas Senate; and

"(2) submit to the speaker of the house of representatives, if possible, the names of not less than three nor more than seven individuals residing in each state representative district who:

"(A) are members or retirees of the Employees Retirement System of Texas; and

"(B) previously served as representatives in the Texas House of Representatives.

"(b) If the executive director of the Employees Retirement System of Texas submits less than seven names for a senatorial or representative district, the secretary of the senate or the chief clerk of the house shall submit to the lieutenant governor or the speaker, as appropriate, the names of former members living in the district. The lieutenant governor or the speaker shall rank the individuals for each district according to years of service in the legislature and shall add the names of individuals with the most service to the list so that seven individuals are designated, if possible.

"(c) The list prepared for each senatorial and representative district shall rank the designees in descending order according to the number of years served in one house.

"(d) The lieutenant governor and the speaker of the house shall ask each designee on their respective lists if that individual is willing to serve as an emergency interim successor if the legislator representing the district in which that individual resides becomes unavailable to serve as provided by this chapter. If an individual is eligible to be included on both a senate and house of representatives list, the individual must choose one list on which the individual's name will remain.

"(e) If an individual agrees to serve, he must submit a written acceptance to the lieutenant governor or speaker of the house, as appropriate.

"(f) The lieutenant governor and the speaker of the house shall submit to the secretary of state a list for each district in the order provided by Subsection (c) of individuals who have agreed to serve as emergency interim successors.

"(g) Annually, the executive director of the Employees Retirement System of Texas, in cooperation with the secretary of the senate and the chief clerk of the house of representatives, shall review the lists submitted to the secretary of state to ensure that there are at least seven qualified emergency interim successors for each legislator, if possible. If revisions are necessary because of the death of a member or retiree of the system, because the member or retiree no longer resides in the district he was designated to represent, or because of the addition of more names, the executive director shall submit the revisions to the lieutenant governor or speaker of the house, as appropriate. The lieutenant governor and speaker of the house shall contact the new designees and, after receiving their written acceptance, shall submit the revisions to the secretary of state. (V.A.C.S. Art. 5429o, Sec. 3.)

"Section 304.004. DESIGNATION OF EMERGENCY INTERIM SUCCESSORS BY LEGISLATOR: ALTERNATE LIST. (a) A list prepared for a district under this section is an alternate list to be used only if there are no designees on the list prepared under Section 304.003 or if those designees are unavailable.

"(b) For the purpose of designating emergency interim successors, each legislator shall designate not less than three nor more than seven individuals to serve as emergency interim successors if the legislator becomes unavailable to serve as provided by this chapter. Each individual designated must be from the same political party as that legislator, must meet age and residence requirements for a senator or representative, as applicable, and must submit a written acceptance to the legislator.

"(c) Each legislator shall submit a list of designees who have accepted, ranked in order of succession, to the secretary of state.

"(d) Annually, each legislator shall review the lists submitted by the legislator to the secretary of state to ensure that there are at least three qualified emergency interim successors. Each legislator shall make revisions to the list as necessary.

"(e) If a legislator fails to designate emergency interim successors as required by this section, the lieutenant governor or speaker of the house, as appropriate, shall designate in order of succession not less than three nor more than seven individuals to serve as emergency interim successors if that legislator becomes unavailable and shall submit the list to the secretary of state. (V.A.C.S. Art. 5429o, Sec. 4.)

"Section 304.005. RECORDING. (a) Each designation of emergency interim successors becomes effective when the individual making the designation files the successor's name, address, and written acceptance with the secretary of state.

"(b) The removal of an emergency interim successor or a change in the order of succession becomes effective when an individual authorized to make the change files that information with the secretary of state.

"(c) Information filed under this section is public information. (V.A.C.S. Art. 5429o, Sec. 5.)

"Section 304.006. STATUS AND QUALIFICATIONS OF EMERGENCY INTERIM SUCCESSORS. (a) An emergency interim successor is an individual who is designated for possible temporary succession to the powers and duties, but not the office, of a legislator.

"(b) An individual may not be designated or serve as an emergency interim successor unless that individual is legally qualified to hold the office of the legislator to whose powers and duties the individual is designated to succeed. (V.A.C.S. Art. 5429o, Sec. 6.)

"Section 304.007. OATH. When the designation of an emergency interim successor becomes effective, the successor shall take the oath required for the legislator to whose powers and duties the successor is designated to succeed, and no other oath is required. (V.A.C.S. Art. 5429o, Sec. 7.)

"Section 304.008. ASSUMPTION OF POWERS AND DUTIES. (a) If in the event of attack a legislator is unavailable, the secretary of state shall notify the legislator's emergency interim successor highest in order of succession who is available. The secretary of state shall inform each emergency interim successor of the place at which the legislature will meet, as soon as that is known, and shall also inform each successor of the date and time at which each must appear.

"(b) The emergency interim successor shall exercise the powers and assume the duties of the legislator whom he succeeds, except that the successor may not designate emergency interim successors for himself.

"(c) The emergency interim successor exercises those powers and assumes those duties until the secretary of state notifies the successor that the incumbent legislator, an emergency interim successor higher in order of succession, or a legislator elected and legally qualified can act. (V.A.C.S. Art. 5429o, Sec. 8.)

"Section 304.009. PRIVILEGES, IMMUNITIES, AND COMPENSATION. (a) An emergency interim successor who exercises the powers and assumes the duties of an unavailable legislator is entitled to the privileges, immunities, compensation, and other allowances to which a legislator is entitled.

"(b) This section does not affect the privileges, immunities, compensation, or other allowances to which an incumbent legislator is entitled.

"(c) An emergency interim successor's performance of the powers and duties of an unavailable legislator does not affect the successor's entitlement to other compensation or benefits to which the successor might otherwise be entitled. Section 22.203(d), Title 110B, Revised Statutes, does not apply to an individual serving as an emergency interim successor under this chapter. (V.A.C.S. Art. 5429o, Sec. 9.)

"Section 304.010. DUTY TO REMAIN INFORMED. Each emergency interim successor shall keep himself generally informed as to the duties, procedures, practices, and current business of the legislature, and each legislator shall assist his emergency interim successors to keep themselves informed. (V.A.C.S. Art. 5429o, Sec. 10.)

"Section 304.011. QUORUM; VOTES. In the event of an attack, the quorum requirements imposed on the legislature are suspended. If the affirmative vote of a specified proportion of members is required to approve a bill or resolution, the same proportion of those present and voting on the bill or resolution is sufficient for its passage. (V.A.C.S. Art. 5429o, Sec. 11.)

"CHAPTER 305. REGISTRATION OF LOBBYISTS

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Section 305.041. ADVISORY OPINIONS

“CHAPTER 305. REGISTRATION OF LOBBYISTS

“SUBCHAPTER A. REGISTRATION

“Section 305.001. POLICY. The operation of responsible democratic government requires that the people be afforded the fullest opportunity to petition their government for the redress of grievances and to express freely their opinions on legislation, pending executive actions, and current issues to individual members of the legislature, legislative committees, state agencies, and members of the executive branch. To preserve and maintain the integrity of the legislative and administrative processes, it is necessary to disclose publicly and regularly the identity, expenditures, and activities of certain persons who, by direct communication with government officers, engage in efforts to persuade members of the legislative or executive branch to take specific actions. (V.A.C.S. Art. 6252-9c, Sec. 1.)

“Section 305.002. DEFINITIONS. In this chapter:

“(1) ‘Administrative action’ means rulemaking, licensing, or any other matter that may be the subject of action by a state agency, including the proposal, consideration, or approval of the matter.

“(2) ‘Communicates directly with’ or any variation of the phrase means contact in person or by telephone, telegraph, or letter.

“(3) ‘Compensation’ means money, service, facility, or other thing of value or financial benefit that is received or is to be received in return for or in connection with services rendered or to be rendered.

“(4) ‘Member of the executive branch’ means an officer, officer-elect, candidate for, or employee of any state agency, department, or office in the executive branch of state government.

“(5) ‘Expenditure’ means a payment, distribution, loan, advance, reimbursement, deposit, or gift of money or any thing of value and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure.

“(6) ‘Legislation’ means:

“(A) a bill, resolution, amendment, nomination, or other matter pending in either house of the legislature;

“(B) any matter that is or may be the subject of action by either house or by a legislative committee, including the introduction, consideration, passage, defeat, approval, or veto of the matter; or

“(C) any matter pending in a constitutional convention or that may be the subject of action by a constitutional convention.

“(7) ‘Member of the legislative branch’ means a member, member-elect, candidate for, or officer of the legislature or of a legislative committee, or an employee of the legislature.

“(8) ‘Person’ means an individual, corporation, association, firm, partnership, committee, club, organization, or group of persons who are voluntarily acting in concert.

“(9) ‘Registrant’ means a person required to register under Section 305.003.

“(10) ‘Secretary’ means the Texas Secretary of State. (V.A.C.S. Art. 6252-9c, Sec. 2.)

“Section 305.003. PERSONS REQUIRED TO REGISTER. (a) A person must register with the secretary under this chapter if the person:

“(1) makes a total expenditure of more than \$200 in a calendar quarter, not including the person's own travel, food, or lodging expenses or the person's own membership dues, on activities described in Section 305.006(b) to communicate directly with one or more members of the legislative or executive branch to influence legislation or administrative action; and

“(2) receives compensation or reimbursement of more than \$200 in a calendar quarter from another person to communicate directly with a member of the legislative or executive branch to influence legislation or administrative action.

“(b) Subsection (a)(2) requires a person, other than a member of the judicial, legislative, or executive branch, to register if the person, as part of his regular employment, has communicated directly with a member of the legislative or executive branch to influence legislation on behalf of the person by whom he is compensated or reimbursed, whether or not the person receives any compensation for the communication in addition to the salary for that regular employment. (V.A.C.S. Art. 6252-9c, Sec. 3.)

“Section 305.004. EXCEPTIONS. The following persons are not required to register under this chapter:

“(1) a person who owns, publishes, or is employed by a newspaper, any other regularly published periodical, a radio station, a television station, a wire service, or any other bona fide news medium that in the ordinary course of business disseminates news, letters to the editors, editorial or other comment, or paid advertisements that directly or indirectly oppose or promote legislation or administrative action, if the person does not engage in further or other activities that require registration under this chapter and does not represent another person in connection with influencing legislation or administrative action;

“(2) a person whose only direct communication with a member of the legislative or executive branch to influence legislation or administrative action is an appearance before or testimony to one or more members of the legislative or executive branch in a hearing conducted by or on behalf of either the legislative or the executive branch and who does not receive special or extra compensation for the appearance other than actual expenses incurred in attending the hearing;

“(3) a person whose only activity is to encourage or solicit members, employees, or stockholders of an entity by whom the person is reimbursed, employed, or retained to communicate directly with members of the legislative or executive branch to influence legislation or administrative action;

“(4) a person whose only activity to influence legislation or administrative action is to compensate or reimburse an individual registrant to act in the person's behalf to communicate directly with a member of the legislative or executive branch to influence legislation or administrative action;

“(5) a person whose only activity to influence legislation or administrative action is attendance at a meeting or entertainment event attended by a member of the legislative or executive branch if the total cost of the meeting or entertainment event is paid by a business entity, union, or association; and

“(6) a person whose only compensation subject to Section 305.003(a)(2) consists of reimbursement for any wages not earned due to attendance at a meeting or entertainment event, travel to and from the meeting or entertainment event, admission to the meeting or entertainment event, and any food and beverage consumed at the meeting or entertainment event if the meeting or entertainment event is attended by a member of the legislative or executive branch and if the total cost of the meeting or entertainment event is paid by a business entity, union, or association. (V.A.C.S. Art. 6252-9c, Sec. 4.)

“Section 305.005. REGISTRATION. (a) Each person required to register under this chapter shall file a registration form with the secretary not later than the fifth day after the date on which the person makes the first direct communication with a member of the legislative or executive branch that requires the person's registration.

“(b) The registration must be written and verified and must contain:

“(1) the registrant's full name and address;

“(2) the registrant's normal business and business address;

“(3) the full name and address of each person:

“(A) who reimburses, retains, or employs the registrant to communicate directly with a member of the legislative or executive branch to influence legislation or administrative action; and

“(B) on whose behalf the registrant has communicated directly with a member of the legislative or executive branch to influence legislation or administrative action; and

“(4) a list of the specific categories of subject matters about which the registrant has communicated directly with a member of the legislative or executive branch to influence legislation or administrative action.

“(c) If a registrant's activities are done on behalf of the members of a group other than a corporation, the registration form must include a statement of the number of members in the group, the name of each person in the group or organization who determines the policy of the group or organization relating to influencing legislative or administrative action, and a full description of the methods by which the registrant develops and makes decisions about positions on policy.

“(d) If there is a change in the information required to be reported by a registrant under this section, the registrant shall file an amended statement reflecting the change with the secretary not later than the date on which the next report is due under Section 305.007. (V.A.C.S. Art. 6252-9c, Sec. 5.)

“Section 305.006. SUPPLEMENTAL REGISTRATION AND ACTIVITIES REPORT. (a) Each registrant shall file with the secretary a written, verified report concerning the activities described by this section.

“(b) The report must contain the total expenditures under a category listed in this subsection that the registrant made to communicate directly with a member of the legislative or executive branch to influence legislation or administrative action. The report must also include expenditures for the direct communications under a category listed in this subsection that other people made on the registrant's behalf if the expenditures were made with the registrant's consent or were ratified by the registrant. The expenditures must be stated in the following categories:

“(1) entertainment, including food, beverages, maintenance of a hospitality room, sporting events, theatrical and musical events, and any transportation, lodging, or admission expenses incurred in connection with the entertainment; and

“(2) gifts, awards, or loans, other than contributions as defined by Section 237, Texas Election Code (Article 14.01, Vernon's Texas Election Code).

“(c) The report must also list the total expenditures made by the registrant or by others on the registrant's behalf and with the registrant's consent or ratification for broadcast or print advertisements, direct mailings, and other mass media communications if:

“(1) the expenditures are made to a person other than a member, employee, or stockholder of an entity that reimburses, retains, or employs the registrant; and

“(2) the communications support or oppose or encourage another to support or oppose pending legislation or administrative action.

“(d) The report must also contain a list of the specific categories of subject matters about which the registrant, any person the registrant retains or employs to appear on the registrant's behalf, or any other person appearing on the registrant's behalf communicated directly with a member of the legislative or executive branch. The list must include the number or other designation assigned to the legislation or administrative action, if known.

“(e) A registrant or other person may request an advisory opinion from the secretary under Section 305.041 to determine if an event is an entertainment event. (V.A.C.S. Art. 6252-9c, Secs. 6(a) (part), (b), (d).)

“Section 305.007. FILING DATES FOR SUPPLEMENTAL REPORTS. (a) The registrant must file the report required by Section 305.006 between the 1st and 10th day of each month following a month in which the legislature is in session. The report must cover the activities occurring during the previous month.

“(b) When the legislature is not in session, the registrant must file the report covering the activities occurring during the preceding calendar quarter between the 1st and 10th day of April, July, October, and January.

“(c) A person who made expenditures on the registrant's behalf that are required to be reported under Section 305.006 or a person who has other information that is required to be reported by the registrant under this chapter shall provide a full, verified account of the expenditures to the registrant not later than the seventh day before the date on which the registrant's report is due.

“(d) The first quarterly report following a legislative session may omit an expenditure previously reported under this chapter. (V.A.C.S. Art. 6252-9c, Secs. 6(a) (part), (c), (e).)

"Section 305.008. **TERMINATION NOTICE.** (a) A person who ceases to engage in activities requiring registration under this chapter shall file a written, verified statement with the secretary acknowledging the termination of activities. The notice is effective immediately.

"(b) A person who files a notice of termination under this section must file the reports required by Section 305.006 for any reporting period during which the person was registered. (V.A.C.S. Art. 6252-9c, Sec. 7.)

"Section 305.009. **MAINTENANCE OF REPORTS.** (a) All reports filed under this chapter are public records and shall be made available for public inspection during regular business hours.

"(b) The secretary shall:

"(1) design and provide appropriate forms, covering only the items required to be disclosed under this chapter, to be used for the registration and reporting of required information;

"(2) maintain registrations and reports in a separate, alphabetical file;

"(3) remove registrations and reports from the files after five years from the date of filing; and

"(4) maintain a deputy available to receive registrations and reports and make the registrations and reports available to the public for inspection. (V.A.C.S. Art. 6252-9c, Sec. 8.)

"[Sections 305.010-305.020 reserved for expansion]

"SUBCHAPTER B. PROHIBITED ACTIVITIES

"Section 305.021. **FALSE COMMUNICATIONS.** A person, for the purpose of influencing legislation or administrative action, may not:

"(1) knowingly or wilfully make a false statement or misrepresentation of the facts to a member of the legislative or executive branch; or

"(2) cause a copy of a document the person knows to contain a false statement to be received by a member of the legislative or executive branch without notifying the member in writing of the truth. (V.A.C.S. Art. 6252-9c, Sec. 10.)

"Section 305.022. **CONTINGENT FEES.** (a) A person may not retain or employ another person to influence legislation for compensation that is totally or partially contingent on the passage or defeat of any legislation or the governor's approval or veto of any legislation.

"(b) A person may not accept any employment or render any service to influence legislation for compensation contingent on the passage or defeat of any legislation or the governor's approval or veto of any legislation. (V.A.C.S. Art. 6252-9c, Sec. 11.)

"Section 305.023. **ADMISSION TO FLOORS.** A person who is registered or required to be registered under this chapter may not go on the floor of either house of the legislature while that house is in session unless invited by that house. (V.A.C.S. Art. 6252-9c, Sec. 12.)

"[Sections 305.024-305.030 reserved for expansion]

"SUBCHAPTER C. SANCTIONS

"Section 305.031. **CRIMINAL PENALTIES.** (a) A person commits an offense if the person violates a provision of this chapter other than Section 305.022. An offense under this subsection is a Class A misdemeanor.

"(b) A person commits an offense if the person violates Section 305.022. An offense under this subsection is a felony of the third degree.

"(c) This chapter does not affect the criminal responsibility of a person under the state laws relating to perjury. (V.A.C.S. Art. 6252-9c, Sec. 9(a).)

"Section 305.032. **CIVIL PENALTY FOR FAILURE TO REGISTER.** In addition to the criminal penalties prescribed by Section 305.031, a person who receives compensation or reimbursement or makes an expenditure for engaging in direct communication to influence legislation or administrative action and who fails to file a registration form or activities report required to be filed under this chapter shall pay to the state an amount equal to three times the compensation, reimbursement, or expenditure. (V.A.C.S. Art. 6252-9c, Sec. 9(b).)

"Section 305.033. **CIVIL PENALTY FOR LATE FILING.** (a) The secretary shall determine from any available evidence whether a registration or report required to be filed with the secretary under this chapter is late. On making a determination that a required registration or report is late, the secretary shall immediately mail a notice of the determination to the person responsible for the filing and to the appropriate attorney for the state.

"(b) If a registration or report is determined to be late, the person responsible for the filing is liable to the state for payment of a civil penalty of \$100.

“(c) The appropriate attorney for the state may not initiate suit for the penalty until the 10th day after the date on which the notice is mailed under Subsection (a). If the penalty is paid before the 10th day after the mailing, the secretary shall notify the appropriate attorney for the state, and the civil suit under this section may not be initiated.

“(d) A penalty paid voluntarily under this section shall be deposited to the credit of the General Revenue Fund.

“(e) This section is in addition to any other available sanctions for late filings of registrations or reports. (V.A.C.S. Art. 6252-9c, Sec. 13A.)

“Section 305.034. FAILURE TO FILE ALL REQUIRED FORMS. (a) The secretary shall determine whether all persons registered under this chapter have filed all required forms, statements, and reports.

“(b) Whenever the secretary determines that a person has failed to file any required form, statement, or report as required by this chapter, the secretary shall send a written statement of this finding to the person involved. Notice to the person involved must be sent by certified mail.

“(c) If the person fails to file the form, statement, or report as required by this chapter before the 21st day after the date on which the notice was sent, the secretary shall file a sworn complaint of the violation with the appropriate prosecuting attorney. (V.A.C.S. Art. 6252-9c, Sec. 13(c).)

“Section 305.035. ENFORCEMENT. (a) The secretary, the attorney general, or any county or district attorney may enforce this chapter.

“(b) On the application of any citizen of this state, a district court in Travis County may issue an injunction to enforce this chapter.

“(c) A person may file with the appropriate prosecuting attorney a written, sworn statement alleging a violation of this chapter. (V.A.C.S. Art. 6252-9c, Secs. 13(a), (b), (d).)

“Section 305.036. VENUE. An offense under this chapter, including perjury, may be prosecuted in Travis County or in any other county in which it may be prosecuted under the Code of Criminal Procedure, 1965. (V.A.C.S. Art. 6252-9c, Sec. 14.)

“[Sections 305.037-305.040 reserved for expansion]

“SUBCHAPTER D. ADVISORY OPINIONS

“Section 305.041. ADVISORY OPINIONS. (a) In response to a written request, the secretary shall issue a written advisory opinion based on a real or hypothetical situation relating to this chapter.

“(b) The secretary shall make the opinion available for public inspection at the office of the secretary and at the office of the Texas Register. The secretary shall publish each opinion made under this section in the Texas Register in a timely manner after the opinion has been issued.

“(c) It is a defense in a criminal prosecution or civil proceeding arising under this chapter that the conduct for which the prosecution or proceeding is instituted was performed in reasonable reliance on an advisory opinion made by the secretary under this section stating that the conduct would not result in liability under this chapter.

“(d) The secretary shall adopt rules to expedite the processing of requests for advisory opinions under this section. (V.A.C.S. Art. 6252-9c, Sec. 14A.)

“[Chapters 306-310 reserved for expansion]

“SUBTITLE B. LEGISLATION

“CHAPTER 311. CODE CONSTRUCTION ACT

“SUBCHAPTER A. GENERAL PROVISIONS

Section 311.001. SHORT TITLE

Section 311.002. APPLICATION

Section 311.003. RULES NOT EXCLUSIVE

Section 311.004. CITATION OF CODES

Section 311.005. GENERAL DEFINITIONS

[Sections 311.006-311.010 reserved for expansion]

“SUBCHAPTER B. CONSTRUCTION OF WORDS AND PHRASES

Section 311.011. COMMON AND TECHNICAL USAGE OF WORDS

Section 311.012. TENSE, NUMBER, AND GENDER

Section 311.013. AUTHORITY AND QUORUM OF PUBLIC BODY

Section 311.014. COMPUTATION OF TIME

Section 311.015. REFERENCE TO A SERIES

[Sections 311.016-311.020 reserved for expansion]

“SUBCHAPTER C. CONSTRUCTION OF STATUTES

Section 311.021. INTENTION IN ENACTMENT OF STATUTES

Section 311.022. PROSPECTIVE OPERATION OF STATUTES

Section 311.023. STATUTE CONSTRUCTION AIDS

Section 311.024. HEADINGS

Section 311.025. IRRECONCILABLE STATUTES AND AMENDMENTS

Section 311.026. SPECIAL OR LOCAL PROVISION PREVAILS OVER GENERAL

Section 311.027. STATUTORY REFERENCES

Section 311.028. UNIFORM CONSTRUCTION OF UNIFORM ACTS

Section 311.029. ENROLLED BILL CONTROLS

Section 311.030. REPEAL OF REPEALING STATUTE

Section 311.031. SAVING PROVISIONS

Section 311.032. SEVERABILITY OF STATUTES

“SUBTITLE B. LEGISLATION

“CHAPTER 311. CODE CONSTRUCTION ACT

“SUBCHAPTER A. GENERAL PROVISIONS

“Section 311.001. SHORT TITLE. This chapter may be cited as the Code Construction Act. (Ch. 455, 60th Legis., Reg. Sess., Sec. 1 (part).)

“Section 311.002. APPLICATION. This chapter applies to:

“(1) each code enacted by the 60th or a subsequent legislature as part of the state's continuing statutory revision program;

“(2) each amendment, repeal, revision, and reenactment of a code or code provision by the 60th or a subsequent legislature;

“(3) each repeal of a statute by a code; and

“(4) each rule adopted under a code. (V.A.C.S. Art. 5429b-2, Secs. 1.01 (part), 1.02.)

“Section 311.003. RULES NOT EXCLUSIVE. The rules provided in this chapter are not exclusive but are meant to describe and clarify common situations in order to guide the preparation and construction of codes. (V.A.C.S. Art. 5429b-2, Sec. 1.01 (part).)

“Section 311.004. CITATION OF CODES. A code may be cited by its name followed by the specific part concerned. Examples of citations are:

“(1) Business & Commerce Code, Tit. 1;

“(2) Business & Commerce Code, Ch. 5;

“(3) Business & Commerce Code, Sec. 9.304;

“(4) Business & Commerce Code, Sec. 15.06(a); and

“(5) Business & Commerce Code, Sec. 17.18(b)(1)(B)(ii). (V.A.C.S. Art. 5429b-2, Sec. 1.03.)

“Section 311.005. GENERAL DEFINITIONS. The following definitions apply unless the statute or context in which the word or phrase is used requires a different definition:

“(1) ‘Oath’ includes affirmation.

“(2) ‘Person’ includes corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity.

“(3) ‘Population’ means the population shown by the most recent federal decennial census.

“(4) ‘Property’ means real and personal property.

“(5) ‘Rule’ includes regulation.

“(6) ‘Signed’ includes any symbol executed or adopted by a person with present intention to authenticate a writing.

"(7) 'State,' when referring to a part of the United States, includes any state, district, commonwealth, territory, and insular possession of the United States and any area subject to the legislative authority of the United States of America.

"(8) 'Swear' includes affirm.

"(9) 'United States' includes a department, bureau, or other agency of the United States or America.

"(10) 'Week' means seven consecutive days.

"(11) 'Written' includes any representation of words, letters, symbols, or figures.

"(12) 'Year' means 12 consecutive months. (V.A.C.S. Art. 5429b-2, Sec. 1.04.)

"[Sections 311.006-311.010 reserved for expansion]

"SUBCHAPTER B. CONSTRUCTION OF WORDS AND PHRASES

"Section 311.011. COMMON AND TECHNICAL USAGE OF WORDS. (a) Words and phrases shall be read in context and construed according to the rules of grammar and common usage.

"(b) Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly. (V.A.C.S. Art. 5429b-2, Sec. 2.01.)

"Section 311.012. TENSE, NUMBER, AND GENDER. (a) Words in the present tense include the future tense.

"(b) The singular includes the plural and the plural includes the singular.

"(c) Words of one gender include the other genders. (V.A.C.S. Art. 5429b-2, Sec. 2.02.)

"Section 311.013. AUTHORITY AND QUORUM OF PUBLIC BODY. (a) A grant of authority to three or more persons as a public body confers the authority on a majority of the number of members fixed by statute.

"(b) A quorum of a public body is a majority of the number of members fixed by statute. (V.A.C.S. Art. 5429b-2, Sec. 2.03.)

"Section 311.014. COMPUTATION OF TIME. (a) In computing a period of days, the first day is excluded and the last day is included.

"(b) If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday, or legal holiday.

"(c) If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month. (V.A.C.S. Art. 5429b-2, Sec. 2.04.)

"Section 311.015. REFERENCE TO A SERIES. If a statute refers to a series of numbers or letters, the first and last numbers or letters are included. (V.A.C.S. Art. 5429b-2, Sec. 2.05.)

"[Sections 311.016-311.020 reserved for expansion]

"SUBCHAPTER C. CONSTRUCTION OF STATUTES

"Section 311.021. INTENTION IN ENACTMENT OF STATUTES. In enacting a statute, it is presumed that:

"(1) compliance with the constitutions of this state and the United States is intended;

"(2) the entire statute is intended to be effective;

"(3) a just and reasonable result is intended;

"(4) a result feasible of execution is intended; and

"(5) public interest is favored over any private interest. (V.A.C.S. Art. 5429b-2, Sec. 3.01.)

"Section 311.022. PROSPECTIVE OPERATION OF STATUTES. A statute is presumed to be prospective in its operation unless expressly made retrospective. (V.A.C.S. Art. 5429b-2, Sec. 3.02.)

"Section 311.023. STATUTE CONSTRUCTION AIDS. In construing a statute, whether or not the statute is considered ambiguous on its face, a court may consider among other matters the:

"(1) object sought to be attained;

"(2) circumstances under which the statute was enacted;

"(3) legislative history;

"(4) common law or former statutory provisions, including laws on the same or similar subjects;

"(5) consequences of a particular construction;

"(6) administrative construction of the statute; and

"(7) title (caption), preamble, and emergency provision. (V.A.C.S. Art. 5429b-2, Sec. 3.03.)

"Section 311.024. HEADINGS. The heading of a title, subtitle, chapter, subchapter, or section does not limit or expand the meaning of a statute. (V.A.C.S. Art. 5429b-2, Sec. 3.04.)

"Section 311.025. IRRECONCILABLE STATUTES AND AMENDMENTS. (a) Except as provided by Section 311.031(d), if statutes enacted at the same or different sessions of the legislature are irreconcilable, the statute latest in date of enactment prevails.

"(b) Except as provided by Section 311.031(d), if amendments to the same statute are enacted at the same session of the legislature, one amendment without reference to another, the amendments shall be harmonized, if possible, so that effect may be given to each. If the amendments are irreconcilable, the latest in date of enactment prevails. (V.A.C.S. Art. 5429b-2, Sec. 3.05.)

"Section 311.026. SPECIAL OR LOCAL PROVISION PREVAILS OVER GENERAL. (a) If a general provision conflicts with a special or local provision, the provisions shall be construed, if possible, so that effect is given to both.

"(b) If the conflict between the general provision and the special or local provision is irreconcilable, the special or local provision prevails as an exception to the general provision, unless the general provision is the later enactment and the manifest intent is that the general provision prevail. (V.A.C.S. Art. 5429b-2, Sec. 3.06.)

"Section 311.027. STATUTORY REFERENCES. Unless expressly provided otherwise, a reference to any portion of a statute applies to all reenactments, revisions, or amendments of the statute. (V.A.C.S. Art. 5429b-2, Sec. 3.07.)

"Section 311.028. UNIFORM CONSTRUCTION OF UNIFORM ACTS. A uniform act included in a code shall be construed to effect its general purpose to make uniform the law of those states that enact it. (V.A.C.S. Art. 5429b-2, Sec. 3.08.)

"Section 311.029. ENROLLED BILL CONTROLS. If the language of the enrolled bill version of a statute conflicts with the language of any subsequent printing or reprinting of the statute, the language of the enrolled bill version controls. (V.A.C.S. Art. 5429b-2, Sec. 3.09.)

"Section 311.030. REPEAL OF REPEALING STATUTE. The repeal of a repealing statute does not revive the statute originally repealed nor impair the effect of any saving provision in it. (V.A.C.S. Art. 5429b-2, Sec. 3.10.)

"Section 311.031. SAVING PROVISIONS. (a) Except as provided by Subsection (b), the reenactment, revision, amendment, or repeal of a statute does not affect:

"(1) the prior operation of the statute or any prior action taken under it;

"(2) any validation, cure, right, privilege, obligation, or liability previously acquired, accrued, accorded, or incurred under it;

"(3) any violation of the statute or any penalty, forfeiture, or punishment incurred under the statute before its amendment or repeal; or

"(4) any investigation, proceeding, or remedy concerning any privilege, obligation, liability, penalty, forfeiture, or punishment; and the investigation, proceeding, or remedy may be instituted, continued, or enforced, and the penalty, forfeiture, or punishment imposed, as if the statute had not been repealed or amended.

"(b) If the penalty, forfeiture, or punishment for any offense is reduced by a reenactment, revision, or amendment of a statute, the penalty, forfeiture, or punishment, if not already imposed, shall be imposed according to the statute as amended.

"(c) The repeal of a statute by a code does not affect an amendment, revision, or reenactment of the statute by the same legislature that enacted the code. The amendment, revision, or reenactment is preserved and given effect as part of the code provision that revised the statute so amended, revised, or reenacted.

"(d) If any provision of a code conflicts with a statute enacted by the same legislature that enacted the code, the statute controls. (V.A.C.S. Art. 5429b-2, Sec. 3.11.)

"Section 311.032. SEVERABILITY OF STATUTES. (a) If any statute contains a provision for severability, that provision prevails in interpreting that statute.

"(b) If any statute contains a provision for nonseverability, that provision prevails in interpreting that statute.

"(c) In a statute that does not contain a provision for severability or nonseverability, if any provision of the statute or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the statute that can be given effect without the invalid provision or application, and to this end the provisions of the statute are severable. (V.A.C.S. Art. 5429b-2, Sec. 3.12.)

"CHAPTER 312. CONSTRUCTION OF LAWS**"SUBCHAPTER A. CONSTRUCTION RULES FOR CIVIL STATUTES**

Section 312.001. APPLICATION

Section 312.002. MEANING OF WORDS

Section 312.003. TENSE, NUMBER, AND GENDER

Section 312.004. GRANTS OF AUTHORITY

Section 312.005. LEGISLATIVE INTENT

Section 312.006. LIBERAL CONSTRUCTION

Section 312.007. REPEAL OF REPEALING STATUTE

[Sections 312.008-312.010 reserved for expansion]

"SUBCHAPTER B. MISCELLANEOUS PROVISIONS

Section 312.011. DEFINITIONS

Section 312.012. GRAMMAR AND PUNCTUATION

Section 312.013. SEVERABILITY OF STATUTES

"CHAPTER 312. CONSTRUCTION OF LAWS**"SUBCHAPTER A. CONSTRUCTION RULES FOR CIVIL STATUTES**

"Section 312.001. APPLICATION. This subchapter applies to the construction of all civil statutes. (V.A.C.S. Art. 10 (part).)

"Section 312.002. MEANING OF WORDS. (a) Except as provided by Subsection (b), words shall be given their ordinary meaning.

"(b) If a word is connected with and used with reference to a particular trade or subject matter or is used as a word of art, the word shall have the meaning given by experts in the particular trade, subject matter, or art. (V.A.C.S. Art. 10 (part).)

"Section 312.003. TENSE, NUMBER, AND GENDER. (a) Words in the present or past tense include the future tense.

"(b) The singular includes the plural and the plural includes the singular unless expressly provided otherwise.

"(c) The masculine gender includes the feminine and neuter genders. (V.A.C.S. Art. 10 (part).)

"Section 312.004. GRANTS OF AUTHORITY. A joint authority given to any number of officers or other persons may be executed by a majority of them unless expressly provided otherwise. (V.A.C.S. Art. 10 (part).)

"Section 312.005. LEGISLATIVE INTENT. In interpreting a statute, a court shall diligently attempt to ascertain legislative intent and shall consider at all times the old law, the evil, and the remedy. (V.A.C.S. Art. 10 (part).)

"Section 312.006. LIBERAL CONSTRUCTION. (a) The Revised Statutes are the law of this state and shall be liberally construed to achieve their purpose and to promote justice.

"(b) The common law rule requiring strict construction of statutes in derogation of the common law does not apply to the Revised Statutes. (V.A.C.S. Art. 10 (part).)

"Section 312.007. REPEAL OF REPEALING STATUTE. The repeal of a repealing statute does not revive the statute originally repealed. (V.A.C.S. Art. 10 (part).)

"[Sections 312.008-312.010 reserved for expansion]

"SUBCHAPTER B. MISCELLANEOUS PROVISIONS

"Section 312.011. DEFINITIONS. The following definitions apply unless a different meaning is apparent from the context of the statute in which the word appears:

"(1) 'Affidavit' means a statement in writing of a fact or facts signed by the party making it, sworn to before an officer authorized to administer oaths, and officially certified to by the officer under his seal of office.

"(2) 'Comptroller' means the state comptroller of public accounts.

"(3) 'Effects' includes all personal property and all interest in that property.

"(4) 'Governing body,' if used with reference to a municipality, means the legislative body of a city, town, or village, without regard to the name or title given to any particular body.

"(5) 'Justice,' when applied to a magistrate, means justice of the peace.

"(6) 'Land commissioner' means the Commissioner of the General Land Office.

"(7) 'Month' means a calendar month.

"(8) 'Oath' includes affirmation.

"(9) 'Official oath' means the oath required by Article XVI, Section 1, of the Texas Constitution.

"(10) 'Person' includes a corporation.

"(11) 'Preceding,' when referring to a title, chapter, or article, means that which came immediately before.

"(12) 'Preceding federal census' means the United States census immediately preceding the action in question.

"(13) 'Property' includes real property, personal property, life insurance policies, and the effects of life insurance policies.

"(14) 'Signature' includes the mark of a person unable to write, and 'subscribe' includes the making of such a mark.

"(15) 'Succeeding' means immediately following.

"(16) 'Swear' or 'sworn' includes affirm or affirmed.

"(17) 'Written' or 'in writing' includes any representation of words, letters, or figures, whether by writing, printing, or other means.

"(18) 'Year' means a calendar year. (V.A.C.S. Art. 23.)

"Section 312.012. GRAMMAR AND PUNCTUATION. (a) A grammatical error does not vitiate a law. If the sentence or clause is meaningless because of the grammatical error, words and clauses may be transposed to give the law meaning.

"(b) Punctuation of a law does not control or affect legislative intent in enacting the law. (V.A.C.S. Art. 11.)

"Section 312.013. SEVERABILITY OF STATUTES. (a) Unless expressly provided otherwise, if any provision of a statute or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the statute that can be given effect without the invalid provision or application, and to this end the provisions of the statute are severable.

"(b) This section does not affect the power or duty of a court to ascertain and give effect to legislative intent concerning severability of a statute. (V.A.C.S. Art. 11a.)

"CHAPTER 313. NOTICE FOR LOCAL AND SPECIAL LAWS

Section 313.001. NOTICE

Section 313.002. PUBLICATION OR POSTING OF NOTICE FOR LAWS AFFECTING LOCALITIES

Section 313.003. PUBLICATION OF NOTICE FOR LAWS PRIMARILY AFFECTING PERSONS

Section 313.004. PROOF OF PUBLICATION OR POSTING

Section 313.005. INTRODUCTION OF LAW

"CHAPTER 313. NOTICE FOR LOCAL AND SPECIAL LAWS

"Section 313.001. NOTICE. A person who intends to apply for the passage of a local or special law must give notice of that intention as prescribed by this chapter. (V.A.C.S. Art. 2 (part).)

"Section 313.002. PUBLICATION OR POSTING OF NOTICE FOR LAWS AFFECTING LOCALITIES. (a) A person who intends to apply for the passage of a local or special law must publish notice of that intention in a newspaper published in the county embracing the locality the law will affect.

"(b) The notice must be published once not later than the 30th day before the date on which the intended law is introduced in the legislature.

"(c) The notice is sufficient if it contains a statement of the general purpose and substance of the intended law. Publication of the particular form of the intended law or the terms used in the intended law is not required.

"(d) If the intended law will affect more than one county, the person applying for passage of the law must publish notice in each county the law will affect.

"(e) If a newspaper is not published in the county, the person applying for passage of the law must post the notice at the courthouse door and at five other public places in the immediate locality in the county the law will affect.

"(f) The posted notice must accurately define the locality the law will affect.

"(g) The notice must be posted for at least 30 days. (V.A.C.S. Arts. 2, 3, 4, 7.)

"Section 313.003. PUBLICATION OF NOTICE FOR LAWS PRIMARILY AFFECTING PERSONS. (a) If a resident of this state intends to apply for passage of a law that will primarily affect persons and will not directly affect a particular locality more than it will affect another, the person applying for passage must publish notice in a newspaper published in the county in which the person resides in the same manner as if the law will affect the locality.

"(b) If the applicant is not a resident of this state, publication of notice in a newspaper published in Austin is sufficient. (V.A.C.S. Arts. 5, 6.)

"Section 313.004. PROOF OF PUBLICATION OR POSTING. (a) If publication of notice in a newspaper is required by law, proof of publication shall be made by the affidavit of the publisher accompanied by a printed copy of the notice as published.

"(b) Proof of posting may be made by the return of the sheriff or constable or by the affidavit of a credible person made on a copy of the posted notice showing the fact of the posting. (V.A.C.S. Arts. 8, 9 (part).)

"Section 313.005. INTRODUCTION OF LAW. When a local or special law is introduced in the legislature, the law must be accompanied by competent proof that notice was given. (V.A.C.S. Art. 9 (part).)

"CHAPTER 314. FISCAL NOTES AND COST PROJECTIONS

Section 314.001. SYSTEM OF FISCAL NOTES

Section 314.002. COST ESTIMATES

Section 314.003. ATTACHMENT TO BILL OR RESOLUTION

"CHAPTER 314. FISCAL NOTES AND COST PROJECTIONS

"Section 314.001. SYSTEM OF FISCAL NOTES. The Legislative Budget Board shall establish a system of fiscal notes identifying the probable costs of each bill or resolution that authorizes or requires the expenditure or diversion of state funds for a purpose other than one provided for in the general appropriations bill. (V.A.C.S. Art. 5429c-1, Sec. 1.)

"Section 314.002. COST ESTIMATES. In preparing a fiscal note, the board shall project cost estimates for a five-year period that begins on the effective date of the bill or resolution and shall state whether or not costs or diversions will be involved after that period. (V.A.C.S. Art. 5429c-1, Sec. 2.)

"Section 314.003. ATTACHMENT TO BILL OR RESOLUTION. (a) If a fiscal note is required on a bill or resolution, it must be attached to the bill or resolution before a committee hearing on the bill or resolution may be conducted.

"(b) The fiscal note must be printed on the first page of the committee report of the bill or resolution and on the first page of all subsequent printings.

"(c) The fiscal note must remain with the bill or resolution throughout the legislative process, including submission to the governor. (V.A.C.S. Art. 5429c-1, Sec. 3.)

"CHAPTER 315. ECONOMIC IMPACT STATEMENT

Section 315.001. SHORT TITLE

Section 315.002. DEFINITION

Section 315.003. STATE POLICY

Section 315.004. ECONOMIC IMPACT STATEMENT

"CHAPTER 315. ECONOMIC IMPACT STATEMENT

"Section 315.001. SHORT TITLE. This chapter may be cited as the Economic Impact Statement Act. (V.A.C.S. Art. 5429i, Sec. 1.)

"Section 315.002. DEFINITION. In this chapter, 'state agency' means:

"(1) any department, commission, board, office, or other agency that:

"(A) is in the executive branch of state government;

"(B) has authority that is not limited to a geographical portion of the state; and

"(C) was created by the constitution or a statute of this state; or

"(2) an institution of higher education as defined by Section 61.003, Education Code, other than a public junior college or community college. (V.A.C.S. Art. 5429i, Sec. 2.)

"Section 315.003. STATE POLICY. Recognizing the impact of the laws and rules of this state on the economy, employment, and enterprise of its people, the legislature declares that the

continuing policy of this state is to maintain and create conditions that will sustain and promote the economy, employment, and economic opportunities of the people of Texas. (V.A.C.S. Art. 5429i, Sec. 3.)

"Section 315.004. ECONOMIC IMPACT STATEMENT. (a) At the request of the lieutenant governor or speaker of the house of representatives, a state agency shall prepare an economic impact statement for any pending bill or joint resolution that directly affects that agency. Preparation of the statement shall be coordinated through the Legislative Budget Board director.

"(b) The economic impact statement must include:

"(1) a brief description of the nature and effect of the proposal; and

"(2) a statement of the manner and extent to which the proposal, if implemented, will directly or indirectly during each of the two years following its effective date:

"(A) affect employment in the state, including the number of people affected, the geographic area or areas affected, and the existing level of employment and unemployment in those areas;

"(B) affect the construction, modification, alteration, or utilization of any structure, equipment, facility, process, or other asset in the state, including the estimated dollar measure of the action and the geographic area or areas affected;

"(C) result in changes in costs of goods and services in the state;

"(D) result in changes in revenue and expenditures of state and local governments; and

"(E) have economic impacts within the state other than those specifically described by this subsection.

"(c) An economic impact statement that omits any information required by this chapter must specifically note the omission, state the reason for the omission, and estimate the additional time and effort required to obtain the information. (V.A.C.S. Art. 5429i, Sec. 4.)

"CHAPTER 316. APPROPRIATIONS

"SUBCHAPTER A. LIMIT ON GROWTH OF APPROPRIATIONS

Section 316.001. LIMIT

Section 316.002. DUTIES OF LEGISLATIVE BUDGET BOARD

Section 316.003. PUBLICATION

Section 316.004. PUBLIC HEARING

Section 316.005. ADOPTION BY COMMITTEE

Section 316.006. LIMIT ON BUDGET RECOMMENDATIONS

Section 316.007. TRANSMISSION OF RECOMMENDATIONS

Section 316.008. EFFECT OF LIMIT; ENFORCEMENT

[Sections 316.009-316.010 reserved for expansion]

"SUBCHAPTER B. REFERENCES TO GENERAL

APPROPRIATIONS ACT

Section 316.011. LEGISLATIVE INTENT

Section 316.012. CONSTRUCTION OF REFERENCE

[Sections 316.013-316.020 reserved for expansion]

"SUBCHAPTER C. APPROPRIATIONS BILLS

Section 316.021. INTRODUCTION OF APPROPRIATIONS BILLS

Section 316.022. COMMITTEE HEARINGS

"CHAPTER 316. APPROPRIATIONS

"SUBCHAPTER A. LIMIT ON GROWTH OF APPROPRIATIONS

"Section 316.001. LIMIT. The rate of growth of appropriations in a biennium from state tax revenues not dedicated by the constitution may not exceed the estimated rate of growth of the state's economy. (V.A.C.S. Art. 5429c-4, Sec. 1.)

"Section 316.002. DUTIES OF LEGISLATIVE BUDGET BOARD. (a) Before the Legislative Budget Board submits the budget as prescribed by Section 322.008(b), the board shall establish:

“(1) the estimated rate of growth of the state's economy from the current biennium to the next biennium;

“(2) the level of appropriations for the current biennium from state tax revenues not dedicated by the constitution; and

“(3) the amount of state tax revenues not dedicated by the constitution that could be appropriated for the next biennium within the limit established by the estimated rate of growth of the state's economy.

“(b) Except as provided by Subsection (c), the board shall determine the estimated rate of growth of the state's economy by dividing the estimated Texas total personal income for the next biennium by the estimated Texas total personal income for the current biennium. Using standard statistical methods, the board shall make the estimate by projecting through the biennium the estimated Texas total personal income reported by the United States Department of Commerce or its successor in function.

“(c) If a more comprehensive definition of the rate of growth of the state's economy is developed and is approved by the committee established by Section 316.005, the board may use that definition in calculating the limit on appropriations. (V.A.C.S. Art. 5429c-4, Sec. 2.)

“Section 316.003. PUBLICATION. Before the Legislative Budget Board approves the items of information required by Section 316.002, the board shall publish in the Texas Register the proposed items of information and a description of the methodology and sources used in the calculations. (V.A.C.S. Art. 5429c-4, Sec. 3 (part).)

“Section 316.004. PUBLIC HEARING. Not later than December 1 of each even-numbered year, the Legislative Budget Board shall hold a public hearing to solicit testimony regarding the proposed items of information and the methodology used in making the calculations required by Section 316.002. (V.A.C.S. Art. 5429c-4, Sec. 3 (part).)

“Section 316.005. ADOPTION BY COMMITTEE. (a) After the Legislative Budget Board approves the items of information required by Section 316.002, the board shall submit the information to a committee composed of the governor, lieutenant governor, speaker of the house of representatives, and comptroller of public accounts.

“(b) Not later than the 10th day after the date on which the board submits the items, the committee shall meet and finally adopt the items, either as submitted by the board or as amended by the committee.

“(c) If the committee fails to act within the 10-day period prescribed by Subsection (b), the items of information submitted by the board are treated as if the committee had adopted them as submitted. (V.A.C.S. Art. 5429c-4, Sec. 4.)

“Section 316.006. LIMIT ON BUDGET RECOMMENDATIONS. Unless authorized by majority vote of the members of the board from each house, the Legislative Budget Board budget recommendations relating to the proposed appropriations of state tax revenues not dedicated by the constitution may not exceed the limit adopted by the committee under Section 316.005. (V.A.C.S. Art. 5429c-4, Sec. 5.)

“Section 316.007. TRANSMISSION OF RECOMMENDATIONS. (a) The Legislative Budget Board shall include in its budget recommendations the proposed limit of appropriations from state tax revenues not dedicated by the constitution.

“(b) The board shall transmit the recommendations to the governor and to each member of the legislature. (V.A.C.S. Art. 5429c-4, Sec. 6.)

“Section 316.008. EFFECT OF LIMIT; ENFORCEMENT. (a) Unless the legislature adopts a resolution under Article VIII, Section 22(b), of the Texas Constitution raising the proposed limit on appropriations, the proposed limit is binding on the legislature with respect to all appropriations for the next biennium made from state tax revenues not dedicated by the constitution.

“(b) The rules of the house of representatives and senate shall provide for enforcement of Subsection (a). (V.A.C.S. Art. 5429c-4, Sec. 7.)

“[Sections 316.009-316.010 reserved for expansion]

“SUBCHAPTER B. REFERENCES TO GENERAL APPROPRIATIONS ACT

“Section 316.011. LEGISLATIVE INTENT. It is the intent of the legislature that references in law to a specific article of the General Appropriations Act be by article title only. (V.A.C.S. Art. 11c, Sec. 3.)

“Section 316.012. CONSTRUCTION OF REFERENCE. If a statute enacted or last amended before 1982 refers by number to an article of the General Appropriations Act, the reference means the article of the current General Appropriations Act, regardless of numerical designation, that corresponds in substance to the numerically cited article as it existed on the date of the enactment or most recent amendment of the statute. (V.A.C.S. Art. 11c, Sec. 4.)

"[Sections 316.013-316.020 reserved for expansion]

"SUBCHAPTER C. APPROPRIATIONS BILLS

"Section 316.021. INTRODUCTION OF APPROPRIATIONS BILLS. The lieutenant governor or the speaker of the house may cause the general appropriations bills prepared by the governor and by the director of the Legislative Budget Board to be introduced in the senate and house, or any member of the legislature may introduce the bills in the appropriate branch of the legislature. (V.A.C.S. Art. 689a-7 (part).)

"Section 316.022. COMMITTEE HEARINGS. (a) Hearings on the appropriations bills prepared by the director of the Legislative Budget Board and by the governor shall be conducted by the House Appropriations Committee and the Senate Finance Committee.

"(b) The committees may begin preliminary hearings on the budget after receiving the bill prepared by the director without waiting for submission of the bill prepared by the governor.

"(c) Each head of a government department, institution, or other agency requesting an appropriation is entitled to appear before either committee in behalf of the requested appropriation. A state taxpayer is entitled to appear and to be heard at any hearing on a proposed appropriation. (V.A.C.S. Art. 689a-7 (part).)

"[Chapters 317-320 reserved for expansion]

"SUBTITLE C. LEGISLATIVE AGENCIES

"CHAPTER 321. STATE AUDITOR

Section 321.001. DEFINITIONS

Section 321.002. LEGISLATIVE AUDIT COMMITTEE

Section 321.003. APPLICATION OF SUNSET ACT

Section 321.004. PROCEDURE FOR TIE VOTE

Section 321.005. APPOINTMENT OF STATE AUDITOR

Section 321.006. REQUIREMENTS FOR APPOINTMENT

Section 321.007. CONFLICT OF INTEREST

Section 321.008. QUALIFYING FOR OFFICE

Section 321.009. APPROVAL BY SENATE

Section 321.010. FIRST ASSISTANT STATE AUDITOR

Section 321.011. PERSONNEL

Section 321.012. EXPENDITURES AND SALARIES

Section 321.013. POWERS AND DUTIES OF STATE AUDITOR

Section 321.014. AUDITS AND REPORTS

Section 321.015. EXAMINATION OF STATE DEPARTMENTS

Section 321.016. IMPROPER PRACTICES AND ILLEGAL TRANSACTIONS

Section 321.017. ADMINISTRATIVE SERVICES DIVISION

Section 321.018. SUBPOENAS

Section 321.019. INTERFERENCE WITH EXAMINATION OF RECORDS

"SUBTITLE C. LEGISLATIVE AGENCIES

"CHAPTER 321. STATE AUDITOR

"Section 321.001. DEFINITIONS. In this chapter:

"(1) 'Committee' means the legislative audit committee.

"(2) 'Department' includes every state department, agency, board, bureau, institution, or commission. (V.A.C.S. Art. 4413a-22.)

"Section 321.002. LEGISLATIVE AUDIT COMMITTEE. (a) The legislative audit committee consists of:

"(1) the lieutenant governor;

"(2) the speaker of the house of representatives;

"(3) the chairman of the senate state affairs committee;

"(4) the chairman of the senate finance committee;

"(5) the chairman of the house appropriations committee; and

"(6) the chairman of the house ways and means committee.

"(b) In the absence of the chairman of a house or senate committee, the vice-chairman of the respective committee shall act.

"(c) Members of the committee serve without compensation but are entitled to actual and necessary expenses incurred in performing official duties.

"(d) The committee shall employ necessary clerical assistants as allowed by legislative appropriation.

"(e) The committee shall organize by electing one member to serve as chairman and one member to serve as secretary. (V.A.C.S. Art. 4413a-8 (part).)

"Section 321.003. APPLICATION OF SUNSET ACT. The legislative audit committee is subject to the Texas Sunset Act (Chapter 325). Unless continued in existence as provided by that Act, the committee is abolished September 1, 1989. (V.A.C.S. Art. 4413a-8a.)

"Section 321.004. PROCEDURE FOR TIE VOTE. (a) If the full committee is present and is not able to resolve a tie vote within a reasonable time on a matter this chapter requires the committee to decide, the committee shall select a member of the house or senate to meet with the committee and to cast the tie-breaking vote.

"(b) The seventh member's duty to the committee ends when the member casts the tie-breaking vote and the matter is resolved. (V.A.C.S. Art. 4413a-8 (part).)

"Section 321.005. APPOINTMENT OF STATE AUDITOR. (a) Not earlier than February 1 or later than February 15 of each odd-numbered year, the committee shall appoint a State Auditor to investigate all custodians of state funds, disbursing agents, and department personnel.

"(b) The committee shall execute a written declaration of the person appointed State Auditor and file the declaration with the secretary of state.

"(c) The State Auditor serves until a successor is appointed and qualifies.

"(d) The committee may discharge or remove the State Auditor at any time without a hearing and for any reason satisfactory to the committee.

"(e) The committee shall fill any vacancy in the office of State Auditor.

"(f) A majority vote of the committee members is sufficient to exercise any action authorized by this section. (V.A.C.S. Arts. 4413a-9 (part), 4413a-11 (part), 4413a-19 (part).)

"Section 321.006. REQUIREMENTS FOR APPOINTMENT. The person appointed State Auditor must:

"(1) have been a citizen and resident of the state for at least five years immediately before appointment;

"(2) be a certified public accountant of Texas with at least five years' experience as a certified public accountant immediately before appointment;

"(3) have unquestioned integrity and moral character; and

"(4) have sufficient experience in business and finance to properly discharge the functions of the office. (V.A.C.S. Arts. 4413a-9 (part), 4413a-10 (part).)

"Section 321.007. CONFLICT OF INTEREST. (a) The State Auditor may not serve as an ex officio member on any administrative board or commission.

"(b) The State Auditor may not have a financial interest in the transactions of any department. (V.A.C.S. Art. 4413a-20.)

"Section 321.008. QUALIFYING FOR OFFICE. (a) To qualify for office, the State Auditor must take the constitutional oath of office and execute a bond in the amount of \$25,000 payable to the governor. The bond must be approved by the committee, be conditioned on the faithful discharge of his duties, and have a solvent surety company as surety.

"(b) The State Auditor must file the oath and approved bond with the secretary of state not later than the 10th day after the date on which the committee appointed the State Auditor, or the committee or a majority of the committee members shall appoint another qualified person as State Auditor.

"(c) The state shall pay the premium to the surety company for the execution of the bond required by Subsection (a). (V.A.C.S. Arts. 4413a-10 (part), 4413a-11 (part).)

"Section 321.009. APPROVAL BY SENATE. (a) If the senate is in session when the committee appoints the State Auditor, the committee shall immediately certify the appointment to the senate for approval.

"(b) If the senate is not in session when the committee appoints the State Auditor, the committee shall certify the appointment to the senate not later than the 10th day after the date on which the senate convenes for any purpose.

"(c) If after consideration by the senate the senate does not approve the appointment by a vote of at least two-thirds of the members, the appointed person is not approved and the committee shall appoint another person as State Auditor. (V.A.C.S. Art. 4413a-12.)

"Section 321.010. FIRST ASSISTANT STATE AUDITOR. (a) The State Auditor may appoint a first assistant state auditor.

"(b) The first assistant state auditor shall:

"(1) perform the duties and assignments prescribed by the State Auditor; and

"(2) act as the State Auditor when the State Auditor is absent. (V.A.C.S. Art. 4413a-17 (part).)

"Section 321.011. PERSONNEL. (a) The State Auditor may employ assistant auditors and stenographic and clerical personnel.

"(b) The State Auditor may conduct professional examinations to determine the qualifications of prospective staff members.

"(c) The State Auditor may discharge any assistant auditors or stenographic or clerical personnel at any time for any reason satisfactory to the State Auditor and without a hearing.

"(d) The State Auditor and staff are to be free from partisan politics, and the State Auditor is free to select the most efficient personnel available for each position in his office so that the State Auditor may render to the legislature the service the legislature has a right to expect. It is against public policy and illegal for a member of the legislature, an officer or employee of the state, or an officer or employee of a state department to recommend or suggest that the State Auditor appoint a person to a position on the state auditor's staff. (V.A.C.S. Arts. 4413a-17 (part), 4413a-18, 4413a-19 (part).)

"Section 321.012. EXPENDITURES AND SALARIES. (a) The committee directs and controls the expenditure of any money appropriated to the office of the State Auditor.

"(b) Except as provided by Subsection (c), before payment may be made on a voucher issued for payment of the salaries and expenses of the office, the State Auditor must approve the voucher.

"(c) Before payment may be made on a voucher issued for payment of the salary or expenses of the State Auditor, the chairman of the committee must approve the voucher.

"(d) The salaries of the assistant auditors and stenographic and clerical personnel may not exceed the amounts paid by other departments for similar services.

"(e) Salaries shall be paid monthly. (V.A.C.S. Art. 4413a-17 (part).)

"Section 321.013. POWERS AND DUTIES OF STATE AUDITOR. (a) The State Auditor shall:

"(1) perform an audit of all governmental accounts, books, and other financial records of any state officer or department;

"(2) prepare a written report of the audit and furnish the report to the committee and to other persons designated in this chapter;

"(3) examine and audit all fiscal books, records, and accounts of each custodian of public funds and disbursing officer of this state;

"(4) independently verify all assets, liabilities, revenues, and expenditures of each department;

"(5) require any changes in the accounting system or records of a department that the State Auditor believes will augment or provide a uniform, adequate, and efficient system of records and accounting;

"(6) work with the executive officer of each newly created department to outline and install a uniform, adequate, and efficient system of records and accounting;

"(7) keep a complete, accurate, and adequate record of the fiscal transactions of the state auditor's office;

"(8) devote his entire time to the discharge of his duties;

"(9) maintain an office in the Capitol Complex; and

"(10) perform any other duty required by law.

"(b) The committee shall direct the State Auditor to make any special audit or investigation that the committee considers necessary to carry out the purpose of this chapter or to assist the legislature in the proper discharge of its duties.

"(c) If the State Auditor decides a change in an accounting system is necessary, the State Auditor shall consider the present system of books, records, accounts, and reports to ensure that the transition will be gradual and that the past and present records will be coordinated into the new system. It is the purpose of this chapter to install a unified and coordinated system of accounting and records in each department. (V.A.C.S. Arts. 4413a-13 (part), 4413a-14 (part), 4413a-15 (part), 4413a-17 (part).)

"Section 321.014. AUDITS AND REPORTS. (a) The State Auditor shall conduct each audit as directed by the committee and as prescribed by this chapter.

"(b) The State Auditor shall conclude each audit and make the required report not later than the 30th day before the date on which a regular legislative session convenes.

"(c) The State Auditor is entitled to have access at all times to the books, accounts, confidential or unconfidential reports, vouchers, or other records of information in any department.

"(d) At all times during the inspection, examination, and audit of the books, accounts, and records of a department, the State Auditor may require the assistance of each departmental executive, official, auditor, accountant, or other employee.

"(e) In each report, the State Auditor shall call attention to any funds that the State Auditor believes have not been expended in accordance with law or legislative appropriation and shall recommend to the legislature the form or manner of appropriations that will avoid improper expenditures in the future.

"(f) The committee shall direct the reproduction of as many copies of a report as the committee decides are necessary.

"(g) The State Auditor shall keep a complete file of:

"(1) copies of each audit report, examination, or investigation;

"(2) copies of all other reports or releases issued by the State Auditor or his office; and

"(3) audit work papers and other evidence relating to the work of the State Auditor. (V.A.C.S. Arts. 4413a-13 (part), 4413a-14 (part), 4413a-15 (part).)

"Section 321.015. EXAMINATION OF STATE DEPARTMENTS. (a) The State Auditor shall thoroughly examine each department with special regard to:

"(1) the activities of the department;

"(2) the duplication of effort between the department and other departments; and

"(3) the quality of service provided by subordinate employees in the department.

"(b) After completing an examination under this section, the State Auditor shall furnish the chief executive officer and governing body of the department with a report concerning, among other things, the following:

"(1) the efficiency of subordinate employees;

"(2) the status and condition of all public funds the department controls;

"(3) the amount of duplicate work done by the department and other state departments;

"(4) the operating expense of the department;

"(5) any breach of duty or trust by a department, officer, or any other custodian or disbursement officer of state funds; and

"(6) any suggested changes that might be economical, reduce the number of clerical and other employees, and eliminate duplication and inefficiency.

"(c) The State Auditor shall file a copy of each report with:

"(1) the governor;

"(2) the lieutenant governor;

"(3) the speaker of the house of representatives;

"(4) the secretary of state; and

"(5) each member of the legislature.

"(d) The State Auditor shall prepare an annual report containing, among other things, the following:

"(1) a copy of or the substance of each report made to a department;

"(2) a summary of the changes made in a department's system of accounts and records;

and

"(3) specific recommendations to the legislature concerning proposed amendments to existing laws or enactment of new laws that will improve the functioning of various departments so that more efficient service may be rendered and the cost of government reduced.

"(e) The State Auditor shall confine the recommendations to matters properly coming within the jurisdiction of the state auditor as prescribed by this chapter.

"(f) The State Auditor may not include a recommendation as to the source from which taxes may be raised to meet governmental expense.

"(g) The State Auditor shall file the annual report with the governor and shall file copies of the report with:

"(1) the lieutenant governor;

"(2) the speaker of the house of representatives; and

"(3) the secretary of state.

"(h) All reports filed with the secretary of state shall be open to public inspection. (V.A.C.S. Art. 4413a-14 (part).)

"Section 321.016. IMPROPER PRACTICES AND ILLEGAL TRANSACTIONS. (a) If in the course of an audit the State Auditor finds evidence of improper practices of financial

administration, incompetent personnel, or inadequate fiscal records, the State Auditor shall immediately report the evidence to the governor, the committee, and the head of the affected department.

"(b) If in the course of an audit the State Auditor finds evidence of an illegal transaction, the State Auditor shall immediately report the transaction to the governor, the committee, and the attorney general.

"(c) Immediately after the committee receives a report from the State Auditor alleging incompetent personnel or inadequate records, the committee shall review the report and hold hearings with the head of the affected department regarding the incompetent personnel or inadequate records.

"(d) After the hearings the committee shall report to the head of the affected department and request the removal or replacement of any incompetent personnel or the installation of any necessary fiscal records.

"(e) If the head of the affected department refuses to remedy the incompetency or to install the proper fiscal records, the committee shall report the refusal to the legislature. (V.A.C.S. Art. 4413a-16.)

"Section 321.017. ADMINISTRATIVE SERVICES DIVISION. (a) The State Auditor shall establish an administrative services division within the state auditor's office.

"(b) The division shall advise and assist all departments in improving procedures relating to:

"(1) processing of incoming and outgoing mail;

"(2) records management;

"(3) microimage recording;

"(4) information retrieval systems;

"(5) supply storage management;

"(6) offset reproduction;

"(7) document copying; and

"(8) other management problems with respect to which the State Auditor believes the departments need assistance or advice. (V.A.C.S. Art. 4413a-7a.)

"Section 321.018. SUBPOENAS. (a) At the request of the State Auditor or on its own motion, the committee may subpoena witnesses or any books, records, or other documents reasonably necessary to conduct an examination under this chapter.

"(b) Each subpoena must be signed by the chairman or secretary of the committee.

"(c) On the request of the chairman or secretary of the committee, the sergeant at arms or an assistant sergeant at arms of either house of the legislature or any peace officer shall serve the subpoena in the manner prescribed for service of a district court subpoena.

"(d) If the person to whom a subpoena is directed fails to comply, the committee may bring suit in district court to enforce the subpoena. If the court determines that good cause exists for the issuance of the subpoena, the court shall order compliance. The court may modify the requirements of a subpoena that the court determines are unreasonable. Failure to comply with the order of the district court is punishable as contempt.

"(e) The committee may provide for the compensation of subpoenaed witnesses. The amount of compensation may not exceed the amount paid to a witness subpoenaed by a district court in a civil proceeding. (V.A.C.S. Arts. 4413a-14A, 4413a-14B, 4413a-14C.)

"Section 321.019. INTERFERENCE WITH EXAMINATION OF RECORDS. (a) An officer or employee of this state or a governmental unit of the state commits an offense if the officer or employee:

"(1) refuses to permit the State Auditor to examine or have access to the books, accounts, reports, vouchers, papers, documents, cash drawer, or cash from the officer's or employee's department;

"(2) interferes with an examination by the State Auditor; or

"(3) refuses to make a report required by this chapter.

"(b) An offense under this section is a misdemeanor, punishable by a fine of not less than \$100 nor more than \$1,000, by imprisonment in the county jail for not less than one month nor more than one year, or by both. (V.A.C.S. Art. 4413a-24.)

"CHAPTER 322. LEGISLATIVE BUDGET BOARD

Section 322.001. MEMBERSHIP

Section 322.002. APPLICATION OF SUNSET ACT

Section 322.003. QUORUM; MEETINGS

Section 322.004. DIRECTOR

Section 322.005. PERSONNEL

Section 322.006. APPROVAL OF EXPENSES

Section 322.007. ESTIMATES AND REPORTS

Section 322.008. APPROPRIATIONS BILL

Section 322.009. INSPECTION COMMITTEES

Section 322.010. INSPECTIONS AND HEARINGS

Section 322.011. PERFORMANCE AUDITS AND REPORTS

"CHAPTER 322. LEGISLATIVE BUDGET BOARD

"Section 322.001. MEMBERSHIP. (a) The Legislative Budget Board consists of:

- "(1) the lieutenant governor;
- "(2) the speaker of the house of representatives;
- "(3) the chairman of the senate state affairs committee;
- "(4) the chairman of the senate finance committee;
- "(5) the chairman of the house appropriations committee;
- "(6) the chairman of the house ways and means committee;
- "(7) two other members of the senate appointed by the lieutenant governor; and
- "(8) two other members of the house appointed by the speaker.

"(b) The lieutenant governor is the chairman of the board and the speaker is the vice-chairman. (V.A.C.S. Art. 5429c, Sec. 1 (part).)

"Section 322.002. APPLICATION OF SUNSET ACT. The Legislative Budget Board is subject to the Texas Sunset Act (Chapter 325). Unless continued in existence as provided by that Act, the board is abolished and this chapter expires September 1, 1989. (V.A.C.S. Art. 5429c, Sec. 1a.)

"Section 322.003. QUORUM; MEETINGS. (a) A majority of the members of the board from each house constitutes a quorum to transact business.

"(b) The board shall meet at the call of the chairman or on written petition of a majority of the members of the board from each house.

"(c) The board shall meet in Austin, except that if a majority of the members of the board from each house agree, the board may meet in any location determined by the board. (V.A.C.S. Art. 5429c, Sec. 1 (part).)

"Section 322.004. DIRECTOR. (a) The board shall appoint a director to serve at the pleasure of the board. The director is accountable only to the board.

"(b) The director may make recommendations and, when the board specifically requests, shall make recommendations on a matter before the board relating to a function or duty of any state institution, department, agency, officer, or employee.

"(c) The director may not vote on a question or issue before the board.

"(d) The board shall set the salary of the director. (V.A.C.S. Art. 5429c, Sec. 2 (part).)

"Section 322.005. PERSONNEL. (a) The director, with the approval of the board, may employ necessary clerical and stenographic personnel.

"(b) The board shall set the salaries of the personnel employed by the director. (V.A.C.S. Art. 5429c, Sec. 2 (part).)

"Section 322.006. APPROVAL OF EXPENSES. Before payment may be made on an item of expense for the board, the chairman must approve the expense. (V.A.C.S. Art. 5429c, Sec. 2 (part).)

"Section 322.007. ESTIMATES AND REPORTS. (a) Each institution, department, agency, officer, employee, or agent of the state shall submit any estimate or report relating to appropriations requested by the board or under the board's direction.

"(b) Each estimate or report shall be submitted at a time set by the board and in the manner and form prescribed by board rules.

"(c) An estimate or report required under this section is in addition to an estimate or report required by other law, including those estimates or reports relating to appropriations required by Sections 2, 3, and 5 through 8, Chapter 206, General Laws, Acts of the 42nd Legislature, Regular Session, 1931 (Articles 689a-1; 689a-2; 689a-4; 689a-5 through 689a-8, Vernon's Texas Civil Statutes). (V.A.C.S. Art. 5429c, Secs. 3, 6.)

"Section 322.008. APPROPRIATIONS BILL. (a) The director, under the direction of the board, shall prepare the general appropriations bill for introduction at each regular legislative session.

“(b) Not later than the fifth day after a regular legislative session convenes, the director shall transmit a copy of the budget of estimated appropriations prepared by the director to the governor and each member of the legislature.

“(c) Not later than the seventh day after a regular legislative session convenes, the director shall transmit a copy of the general appropriations bill to the governor and each member of the legislature. (V.A.C.S. Art. 5429c, Secs. 2 (part), 5; Art. 689a-7 (part).)

“Section 322.009. INSPECTION COMMITTEES. The chairman, with the approval of the board, may appoint a committee to visit, inspect, and report on any state institution, department, agency, officer, or employee. (V.A.C.S. Art. 5429c, Sec. 1 (part).)

“Section 322.010. INSPECTIONS AND HEARINGS. (a) The board or an employee under the direction of the board may inspect the property, equipment, and facilities of a state department or agency for which an appropriation is to be made and may inspect all accounts and general and local funds.

“(b) An inspection performed under Subsection (a) may be made either before or after an estimate required under Section 322.007 has been submitted.

“(c) The board may hold hearings to consider the estimates required under Section 322.007 and any information gathered under Subsection (a). (V.A.C.S. Art. 5429c, Sec. 4.)

“Section 322.011. PERFORMANCE AUDITS AND REPORTS. (a) The board shall establish a system of performance audits and evaluations designed to provide a comprehensive and continuing review of the programs and operations of each state institution, department, agency, or commission.

“(b) The board shall evaluate the programs and operations of each institution, department, agency, or commission that received an appropriation in the most recent General Appropriations Act. An institution, department, agency, or commission may not be evaluated until after the end of the first full fiscal year of its operation.

“(c) On the third Tuesday of each January in which the legislature meets in regular session, the board shall make a performance report to the legislature.

“(d) The report shall analyze the operational efficiency and program performance of each institution, department, agency, and commission evaluated. The report shall explicitly state the statutory function each entity is to perform and how, in terms of unit-cost measurement, work load efficiency data, and program output standards established by the board, these statutory functions are being accomplished.

“(e) The performance report shall be published in the form prescribed by the board.

“(f) The director, with the approval of the board, shall appoint an assistant director for program evaluation. The assistant director shall report to and be responsible to the director.

“(g) The director shall employ sufficient personnel to carry out the provisions of this section. (V.A.C.S. Art. 5429c-3, Secs. 1, 2, 3.)

“CHAPTER 323. TEXAS LEGISLATIVE COUNCIL

Section 323.001. CREATION AND MEMBERSHIP

Section 323.002. APPLICATION OF SUNSET ACT

Section 323.003. MEETINGS

Section 323.004. EXPENSES OF MEMBERS

Section 323.005. COUNCIL EXPENDITURES; SALARIES

Section 323.006. POWERS AND DUTIES

Section 323.007. STATUTORY REVISION PROGRAM

Section 323.008. STATUTORY REVISION ADVISORY COMMITTEE

Section 323.009. ORIENTATION FOR MEMBERS-ELECT

Section 323.010. INVESTIGATIONS AND SURVEYS

Section 323.011. SUBPOENAS

Section 323.012. ASSISTANCE FROM OTHER AGENCIES

“CHAPTER 323. TEXAS LEGISLATIVE COUNCIL

“Section 323.001. CREATION AND MEMBERSHIP. (a) The Texas Legislative Council is an agency of the legislative branch of state government.

“(b) The council consists of:

“(1) the lieutenant governor;

"(2) the speaker of the house of representatives;

"(3) the chairmen of the senate and house administration committees;

"(4) four other senators from various areas of the state appointed by the president of the senate; and

"(5) nine other members of the house of representatives from various areas of the state appointed by the speaker.

"(c) The lieutenant governor is the chairman of the council and the speaker is the vice-chairman.

"(d) If a vacancy occurs in the appointed membership, the appropriate appointing authority shall appoint a person to serve for the remainder of the unexpired term.

"(e) Except for the lieutenant governor and the speaker, each member serves a term beginning on the date of the member's appointment and ending with the convening of the first regular legislative session that occurs after the date of appointment.

"(f) The lieutenant governor and the speaker act as the council during a regular legislative session. (V.A.C.S. Art. 5429b, Sec. 1.)

"Section 323.002. APPLICATION OF SUNSET ACT. The Texas Legislative Council is subject to the Texas Sunset Act (Chapter 325). Unless continued in existence as provided by that Act, the council is abolished and this chapter expires September 1, 1989. (V.A.C.S. Art. 5429b, Sec. 1a.)

"Section 323.003. MEETINGS. (a) The council shall meet as often as necessary to perform its duties.

"(b) Twelve members of the council including the chairman and vice-chairman constitute a quorum. If a quorum is present, the council may act on any matter that is within its jurisdiction by a majority vote.

"(c) The council shall keep complete minutes of each meeting.

"(d) Each member of the legislature is entitled to attend and present his views in any meeting of the council, except that a legislator who is not a member of the council may not vote. (V.A.C.S. Art. 5429b, Secs. 2, 4 (part).)

"Section 323.004. EXPENSES OF MEMBERS. Members of the council are entitled to reimbursement for necessary expenses incurred in performing functions as members of the council. (V.A.C.S. Art. 5429b, Sec. 7 (part).)

"Section 323.005. COUNCIL EXPENDITURES; SALARIES. (a) The amount of allowable expenditures for the council is determined by legislative appropriation.

"(b) The council shall determine the salaries of its assistants and employees.

"(c) The certificate of the chairman or vice-chairman is sufficient evidence of the validity of a claim. On certification, the comptroller shall issue warrants on the treasury to pay each claim for mileage and per diem expenses, salaries of employees, and other authorized expenses. (V.A.C.S. Art. 5429b, Secs. 7 (part), 8.)

"Section 323.006. POWERS AND DUTIES. (a) The council shall:

"(1) study and investigate the functions and problems of state departments, agencies, and officers;

"(2) conduct investigations and studies and make reports that may be considered useful to the legislative branch of state government;

"(3) gather and disseminate information for the legislature's use;

"(4) meet and perform council functions during the legislative interim;

"(5) make periodic reports to all members of the legislature and keep the legislature fully informed of all issues that may come before the council, any action taken on an issue, and the progress made on an issue;

"(6) report council recommendations to the legislature and, if appropriate, provide drafts of legislation with the report;

"(7) assist the legislature in drafting proposed legislation; and

"(8) provide data-processing services to aid members and legislative committees in accomplishing their legislative duties.

"(b) By agreement with either house of the legislature or a legislative agency, the council may perform other services or functions for or on behalf of the house or agency. (V.A.C.S. Art. 5429b, Secs. 3, 4 (part).)

"Section 323.007. STATUTORY REVISION PROGRAM. (a) The council shall plan and execute a permanent statutory revision program for the systematic and continuous study of the statutes of this state and for the formal revision of the statutes on a topical or code basis. The purpose of the program is to clarify and simplify the statutes and to make the statutes more accessible, understandable, and usable.

"(b) When revising a statute the council may not alter the sense, meaning, or effect of the statute.

"(c) As part of the statutory revision program, the council shall:

"(1) prepare a statutory record showing the status and disposition within the classification of the revised statutes of all acts enacted by the legislature;

"(2) prepare and submit to the legislature in bill form statutory revisions on a topical or code basis;

"(3) include a report with each revision that contains revisor's notes explaining in detail the work done; and

"(4) formulate and implement a continuous revision program so that statutes that have been revised and enacted may be updated without the need for subsequent major revisions. (V.A.C.S. Art. 5429b-1, Secs. 1, 2.)

"Section 323.008. STATUTORY REVISION ADVISORY COMMITTEE. (a) If the council determines a need exists, the chairman of the council may appoint statutory revision advisory committees to advise the council on matters relating to the revision of particular subjects of the law.

"(b) Advisory committees consist of seven members appointed by the chairman of the council. Advisory committee members serve for a period of two years from the date of appointment.

"(c) In appointing an advisory committee, the chairman shall include representatives of the:

"(1) State Bar of Texas;

"(2) judiciary; and

"(3) Texas law schools.

"(d) An advisory committee shall meet at the call of the chairman of the council.

"(e) Each advisory committee shall select one of its members as chairman.

"(f) Advisory committee members serve without compensation but are entitled to reimbursement for actual expenses incurred in attending official committee meetings. Those expenses are paid from funds appropriated to the council. (V.A.C.S. Art. 5429b-1, Sec. 3.)

"Section 323.009. ORIENTATION FOR MEMBERS-ELECT. (a) The council may reimburse members-elect of the legislature for travel expenses incurred in attending an orientation program conducted by the council between the date of the general election and the convening of the regular legislative session.

"(b) Payment of reimbursement shall be in accordance with rules adopted by the council.

"(c) An individual may be reimbursed under this section for only one round trip between the individual's home and the City of Austin.

"(d) An individual holding office as a member of the legislature when the orientation program occurs is not eligible for reimbursement under this section. (V.A.C.S. Art. 5429b, Sec. 3A.)

"Section 323.010. INVESTIGATIONS AND SURVEYS. (a) The council or a council committee authorized by the council to hold hearings may hold public or executive hearings to make investigations and surveys.

"(b) The hearing shall be held at a time and place in the state determined by the council.

"(c) The council may:

"(1) inspect and copy any book, record, file, or other instrument or document of a department, institution, county, or political subdivision of the state that is pertinent to a matter under investigation by the council; and

"(2) examine and audit the books of a person, firm, or corporation having dealings with a department or institution under investigation by the council.

"(d) Any member of the council or of the committee may administer oaths to witnesses appearing at the hearing. (V.A.C.S. Art. 5429b, Sec. 5 (part).)

"Section 323.011. SUBPOENAS. (a) The council or a council committee may issue subpoenas to compel the attendance of witnesses and the production of books, records, or other documents in their custody.

"(b) A subpoena must be signed by the chairman of the council or the vice-chairman.

"(c) The council sergeant at arms or any peace officer shall serve the subpoena in the manner prescribed for service of a district court subpoena.

"(d) If a person to whom a subpoena is directed refuses to appear, refuses to answer inquiries, or fails or refuses to produce books, records, or other documents that were under the person's control when the demand was made, the council or a council committee shall report the fact to a Travis County district court.

"(e) The district court shall enforce a council or committee subpoena by attachment proceedings for contempt in the same manner the court enforces a subpoena issued by that court.

"(f) A subpoenaed witness who attends a council hearing or meeting is entitled to the same mileage and per diem as a witness who appears before a grand jury of this state. (V.A.C.S. Art. 5429b, Sec. 5 (part).)

"Section 323.012. ASSISTANCE FROM OTHER AGENCIES. (a) The council may request assistance and advice from all state departments or agencies, including the:

- "(1) attorney general;
- "(2) Texas State Library; and
- "(3) State Auditor.

"(b) On the request of the chairman of the council or the vice-chairman, the attorney general shall render opinions and give advice and assistance to the council. (V.A.C.S. Art. 5429b, Sec. 6.)

"CHAPTER 324. LEGISLATIVE REFERENCE LIBRARY

Section 324.001. DEFINITIONS

Section 324.002. ESTABLISHMENT

Section 324.003. APPLICATION OF SUNSET ACT

Section 324.004. LEGISLATIVE LIBRARY BOARD

Section 324.005. DIRECTOR

Section 324.006. PERSONNEL

Section 324.007. DUTIES

Section 324.008. DISPOSITION OF DOCUMENTS

"CHAPTER 324. LEGISLATIVE REFERENCE LIBRARY

"Section 324.001. DEFINITIONS. In this chapter:

- "(1) 'Library' means the Legislative Reference Library.
- "(2) 'Board' means the Legislative Library Board.
- "(3) 'Director' means the director of the library. (V.A.C.S. Art. 5444a, Sec. 1.)

"Section 324.002. ESTABLISHMENT. The Legislative Reference Library is an independent agency of the legislature. (V.A.C.S. Art. 5444a, Sec. 2.)

"Section 324.003. APPLICATION OF SUNSET ACT. The library is subject to the Texas Sunset Act (Chapter 325). Unless continued in existence as provided by that Act, the library is abolished and this chapter expires effective September 1, 1989. (V.A.C.S. Art. 5444a, Sec. 2a.)

"Section 324.004. LEGISLATIVE LIBRARY BOARD. (a) The board controls and administers the library.

"(b) The board consists of:

- "(1) the lieutenant governor;
- "(2) the speaker of the house of representatives;
- "(3) the chairman of the senate finance committee;
- "(4) the chairman of the house appropriations committee;
- "(5) one other member of the senate appointed by the lieutenant governor; and
- "(6) one other member of the house appointed by the speaker.

"(c) Members of the board serve without compensation but are entitled to reimbursement for actual and necessary expenses incurred in attending meetings and performing official functions.

"(d) Actual and necessary expenses are paid from funds appropriated to the board. (V.A.C.S. Art. 5444a, Sec. 3.)

"Section 324.005. DIRECTOR. (a) The board shall appoint a director to serve for a one-year period beginning on September 1 of each year unless sooner discharged by the board for any reason.

"(b) The board shall set the salary of the director. (V.A.C.S. Art. 5444a, Sec. 5 (part).)

"Section 324.006. PERSONNEL. (a) The director, with the approval of the board, may employ professional and clerical personnel.

"(b) The board shall set the salaries of the personnel employed by the director. (V.A.C.S. Art. 5444a, Sec. 5 (part).)

"Section 324.007. DUTIES. (a) The library shall be maintained for the use and information of members of the legislature, heads of state departments, and citizens of this state.

“(b) The library shall contain, as may best be made available for legislative use, the following items:

- “(1) checklists and catalogues of current legislation in this and other states;
- “(2) catalogues of bills and resolutions presented in either house of the legislature;
- “(3) checklists of public documents in each state;
- “(4) checklists of all reports issued by each department, agency, board, or commission of this state; and
- “(5) digests of public laws of this and other states.

“(c) The director and library employees shall provide any assistance requested by a member of the legislature in researching and preparing bills and resolutions.

“(d) The board shall adopt rules necessary to ensure the library’s efficient operation. (V.A.C.S. Art. 5444a, Secs. 4, 9.)

“Section 324.008. DISPOSITION OF DOCUMENTS. (a) The library is a depository library as defined by Section 1, Chapter 438, Acts of the 58th Legislature, 1963 (Article 5442a, Vernon’s Texas Civil Statutes), and shall receive state documents and publications from other states distributed by the Texas State Library.

“(b) Each printed daily legislative journal, bill, resolution, or other legislative document shall be delivered daily to the library.

“(c) At the close of each legislative session, each daily legislative journal, bill, or resolution possessed by the senate or house sergeant at arms shall be delivered to the library to be disposed of at the discretion of the director. (V.A.C.S. Art. 5444a, Sec. 7.)

“CHAPTER 325. SUNSET LAW

Section 325.001. SHORT TITLE

Section 325.002. DEFINITIONS

Section 325.003. SUNSET ADVISORY COMMISSION

Section 325.004. STAFF

Section 325.005. RULES

Section 325.006. REPORT ON ADVISORY COMMITTEES

Section 325.007. AGENCY REPORT TO COMMISSION

Section 325.008. COMMISSION DUTIES

Section 325.009. PUBLIC HEARINGS

Section 325.010. COMMISSION REPORT

Section 325.011. CRITERIA FOR REVIEW

Section 325.012. RECOMMENDATIONS

Section 325.013. ABOLITION OF ADVISORY COMMITTEES

Section 325.014. AGENCIES CREATED IN FUTURE

Section 325.015. CONTINUATION BY LAW

Section 325.016. LEGISLATIVE CONSIDERATION

Section 325.017. PROCEDURE AFTER TERMINATION

Section 325.018. SUBPOENA POWER

Section 325.019. ASSISTANCE OF AND ACCESS TO STATE AGENCIES

Section 325.020. RELOCATION OF EMPLOYEES

Section 325.021. SAVING PROVISION

“CHAPTER 325. SUNSET LAW

“Section 325.001. SHORT TITLE. This chapter may be cited as the Texas Sunset Act. (V.A.C.S. Art. 5429k, Sec. 1.01.)

“Section 325.002. DEFINITIONS. In this chapter:

“(1) ‘State agency’ means:

“(A) an agency that is expressly made subject to this chapter; or

“(B) a department, commission, board, or other agency, except a university system or an institution of higher education as defined by Section 61.003, Education Code, that:

“(i) is created by statute after January 1, 1977;

“(ii) is part of any branch of state government; and

“(iii) has authority that is not limited to a geographical portion of the state.

“(2) ‘Advisory committee’ means a committee, council, commission, or other entity created under state law whose primary function is to advise a state agency.

“(3) ‘Commission’ means the Sunset Advisory Commission. (V.A.C.S. Art. 5429k, Sec. 1.02.)

“Section 325.003. SUNSET ADVISORY COMMISSION. (a) The Sunset Advisory Commission consists of four members of the senate and one public member appointed by the lieutenant governor and four members of the house of representatives and one public member appointed by the speaker of the house. Each appointing authority may designate himself as one of the legislative appointees.

“(b) An individual is not eligible for appointment as a public member if the individual or the individual’s spouse is:

“(1) regulated by a state agency that the commission will review during the term for which the individual would serve; or

“(2) employed by, participates in the management of, or directly or indirectly has more than a 10 percent interest in a business entity or other organization regulated by a state agency the commission will review during the term for which the individual would serve.

“(c) It is a ground for removal of a public member from the commission if the member does not have the qualifications required by Subsection (b) for appointment to the commission at the time of appointment or does not maintain the qualifications while serving on the commission. The validity of the commission’s action is not affected by the fact that it was taken when a ground for removal of a public member from the commission existed.

“(d) Legislative members serve four-year terms, with terms staggered so that the terms of one-half of the legislative members appointed by the lieutenant governor and the terms of one-half of the legislative members appointed by the speaker expire every two years. If the lieutenant governor or the speaker serves on the commission, he continues to serve until resignation from the commission or until he ceases to hold the office. Public members serve two-year terms.

“(e) After an individual serves six years on the commission, the individual is not eligible for appointment to another term or part of a term. A member who serves more than half of a full term may not be appointed to an immediately succeeding term. These restrictions do not apply to the lieutenant governor or to the speaker.

“(f) The lieutenant governor and speaker shall make their appointments before July 1 of each odd-numbered year.

“(g) If a legislative member ceases to be a member of the house from which he was appointed, the member vacates his membership on the commission.

“(h) If a vacancy occurs, the appropriate appointing authority shall appoint a person to serve for the remainder of the unexpired term in the same manner as the original appointment.

“(i) The commission shall have a chairman and vice-chairman as presiding officers. The chairmanship and vice-chairmanship must alternate every two years between the two membership groups appointed by the lieutenant governor and the speaker. The chairman and vice-chairman may not be from the same membership group. The lieutenant governor shall designate a presiding officer from his appointed membership group and the speaker shall designate the other presiding officer from his appointed membership group.

“(j) Six members of the commission constitute a quorum. A final action or recommendation may not be made unless approved by a record vote of a majority of the commission’s full membership.

“(k) Each member of the commission is entitled to reimbursement for actual and necessary expenses incurred in performing commission duties. Each legislative member is entitled to reimbursement from the appropriate fund of the member’s respective house. Each public member is entitled to reimbursement from funds appropriated to the commission. (V.A.C.S. Art. 5429k, Sec. 1.03.)

“Section 325.004. STAFF. (a) The commission shall employ an executive director to act as the executive head of the commission.

“(b) The executive director shall employ persons necessary to carry out this chapter through funds made available by the legislature.

“(c) The chairman and vice-chairman of the commission may each employ a staff to work for them on matters related to commission activities. (V.A.C.S. Art. 5429k, Sec. 1.04.)

“Section 325.005. RULES. The commission shall adopt rules necessary to carry out this chapter. (V.A.C.S. Art. 5429k, Sec. 1.12.)

"Section 325.006. **REPORT ON ADVISORY COMMITTEES.** Before October 30 of each year, each state agency shall file an annual report with the secretary of state to register all of its advisory committees and to report the following information regarding the agency's advisory committees:

- "(1) the official name of each advisory committee;
- "(2) the statutory authority, if any, for each advisory committee;
- "(3) each advisory committee's objectives and functions;
- "(4) the period of time necessary for each advisory committee to carry out its objectives;
- "(5) a reference to the reports that each advisory committee has presented to the agency;
- "(6) the names and occupations of the current members of each advisory committee; and
- "(7) other available information that will assist the commission and its staff to determine the need for continuing each advisory committee. (V.A.C.S. Art. 5429k, Sec. 1.05.)

"Section 325.007. **AGENCY REPORT TO COMMISSION.** Before October 30 of the odd-numbered year before the year in which a state agency subject to this chapter is abolished, the agency shall report to the commission:

- "(1) information regarding the application to the agency of the criteria in Section 325.011;
- "(2) information specified in Section 325.006 regarding each of the agency's advisory committees; and
- "(3) any other information that the agency considers appropriate or that is requested by the commission. (V.A.C.S. Art. 5429k, Sec. 1.06.)

"Section 325.008. **COMMISSION DUTIES.** (a) Before September 1 of the even-numbered year before the year in which a state agency subject to this chapter and its advisory committees are abolished, the commission shall:

- "(1) review and take action necessary to verify the reports submitted by the agency under Section 325.007;
- "(2) consult the Legislative Budget Board, the Governor's Budget and Planning Office, the State Auditor, and the comptroller of public accounts, or their successors, on the application to the agency of the criteria provided in Section 325.011;
- "(3) conduct a performance evaluation of the agency based on the criteria provided in Section 325.011 and prepare a written report; and
- "(4) review the implementation of commission recommendations contained in the reports presented to the legislature during the preceding legislative session.

"(b) The written report prepared by the commission under Subsection (a)(3) is a public record. (V.A.C.S. Art. 5429k, Sec. 1.07.)

"Section 325.009. **PUBLIC HEARINGS.** (a) Between September 1 and December 1 of the calendar year before the year a state agency subject to this chapter and its advisory committees are abolished, the commission shall conduct public hearings concerning but not limited to the application to the agency of the criteria provided in Section 325.011.

"(b) The commission may hold the public hearings before September 1 if the evaluation of the agency required by Section 325.008(a)(3) is complete and available to the public. (V.A.C.S. Art. 5429k, Sec. 1.08.)

"Section 325.010. **COMMISSION REPORT.** (a) At each regular legislative session, the commission shall present to the legislature and the governor a report on the agencies and advisory committees scheduled to be abolished.

"(b) In the report the commission shall include:

- "(1) its specific findings regarding each of the criteria prescribed by Section 325.011;
- "(2) its recommendations based on the matters prescribed by Section 325.012; and
- "(3) other information the commission considers necessary for a complete evaluation of the agency. (V.A.C.S. Art. 5429k, Sec. 1.09.)

"Section 325.011. **CRITERIA FOR REVIEW.** The commission and its staff shall consider the following criteria in determining whether a public need exists for the continuation of a state agency or its advisory committees or for the performance of the functions of the agency or its advisory committees:

- "(1) the efficiency with which the agency or advisory committee operates;
- "(2) an identification of the objectives intended for the agency or advisory committee and the problem or need that the agency or advisory committee was intended to address, the extent to which the objectives have been achieved, and any activities of the agency in addition to those granted by statute and the authority for these activities;
- "(3) an assessment of less restrictive or alternative methods of performing any regulation that the agency performs that could adequately protect the public;

"(4) the extent to which the advisory committee is needed and is used;

"(5) the extent to which the jurisdiction of the agency and the programs administered by the agency overlap or duplicate those of other agencies and the extent to which the programs administered by the agency can be consolidated with the programs of other state agencies;

"(6) whether the agency has recommended to the legislature statutory changes calculated to be of benefit to the public rather than to an occupation, business, or institution that the agency regulates;

"(7) the promptness and effectiveness with which the agency disposes of complaints concerning persons affected by the agency;

"(8) the extent to which the agency has encouraged participation by the public in making its rules and decisions as opposed to participation solely by those it regulates and the extent to which the public participation has resulted in rules compatible with the objectives of the agency;

"(9) the extent to which the agency has complied with applicable requirements of an agency of the United States or of this state regarding equality of employment opportunity and the rights and privacy of individuals;

"(10) the extent to which changes are necessary in the enabling statutes of the agency so that the agency can adequately comply with the criteria listed in this section;

"(11) the extent to which the agency issues and enforces rules relating to potential conflicts of interest of its employees;

"(12) the extent to which the agency complies with the open records law, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes), and with the open meetings law, Chapter 271, Acts of the 60th Legislature, Regular Session, 1967 (Article 6252-17, Vernon's Texas Civil Statutes); and

"(13) the effect of federal intervention or loss of federal funds if the agency is abolished. (V.A.C.S. Art. 5429k, Sec. 1.10.)

"Section 325.012. RECOMMENDATIONS. In its report on a state agency, the commission shall:

"(1) make recommendations on the abolition, continuation, or reorganization of each affected state agency and its advisory committees and on the need for the performance of the functions of the agency and its advisory committees;

"(2) make recommendations on the consolidation, transfer, or reorganization of programs within state agencies not under review when the programs duplicate functions performed in agencies under review;

"(3) recommend appropriation levels for each state agency and advisory committee for which abolition or reorganization is recommended under Subdivision (1) or (2); and

"(4) include drafts of legislation necessary to carry out the commission's recommendations under Subdivisions (1) and (2). (V.A.C.S. Art. 5429k, Sec. 1.11.)

"Section 325.013. ABOLITION OF ADVISORY COMMITTEES. An advisory committee, the primary function of which is to advise a particular state agency, is abolished on the date set for abolition of the agency unless the advisory committee is expressly continued by law. (V.A.C.S. Art. 5429k, Sec. 1.13.)

"Section 325.014. AGENCIES CREATED IN FUTURE. (a) This chapter applies to each state agency created by law enacted after January 1, 1977, unless the law creating the agency expressly provides otherwise.

"(b) A state agency is abolished at the end of the sixth fiscal biennium after the fiscal biennium in which the law creating the agency was enacted unless the agency is continued by law. (V.A.C.S. Art. 5429k, Sec. 1.14.)

"Section 325.015. CONTINUATION BY LAW. (a) During the regular session immediately before the abolition of a state agency or an advisory committee that is subject to this chapter, the legislature by law may continue the agency or advisory committee for a period not to exceed 12 years.

"(b) This chapter does not prohibit the legislature from:

"(1) terminating a state agency or advisory committee subject to this chapter at a date earlier than that provided in this chapter; or

"(2) considering any other legislation relative to a state agency or advisory committee subject to this chapter. (V.A.C.S. Art. 5429k, Sec. 1.15.)

"Section 325.016. LEGISLATIVE CONSIDERATION. (a) Except as provided by Subsection (b), the legislature may not consider in one bill the continuation, transfer, or modification of more than one state agency and the agency's functions and advisory committees.

"(b) If more than one agency, advisory committee, or function is to be consolidated, the legislature may consider in one bill only the agencies or advisory committees to be consolidated.

"(c) A bill to continue a state agency, to transfer its functions, or to consolidate it with another agency must mention the affected agencies in the title of the bill. (V.A.C.S. Art. 5429k, Sec. 1.16.)

"Section 325.017. PROCEDURE AFTER TERMINATION. (a) A state agency that is abolished in an odd-numbered year may continue in existence until September 1 of the following year to conclude its business. Unless the law provides otherwise, abolishment does not reduce or otherwise limit the powers and authority of the state agency during the concluding year. A state agency is terminated and shall cease all activities at the expiration of the one-year period.

"(b) Any unobligated and unexpended appropriations of an abolished agency or advisory committee lapse on September 1 of the even-numbered year after abolishment.

"(c) Except as provided by Subsection (f) or as otherwise provided by law, all money in a dedicated fund of an abolished state agency or advisory committee on September 1 of the even-numbered year after abolishment is transferred to the General Revenue Fund. The part of the law dedicating the money to a specific fund of an abolished agency becomes void on September 1 of the even-numbered year after abolishment.

"(d) Unless the law or a rider in the General Appropriations Act provides otherwise, an abolished state agency or advisory committee funded in the General Appropriations Act for both years of the biennium may not spend or obligate any of the money appropriated to it for the second year of the biennium.

"(e) Unless the governor designates an appropriate state agency as prescribed by Subsection (f), property and records in the custody of an abolished state agency or advisory committee on September 1 of the even-numbered year after abolishment shall be transferred to the State Purchasing and General Services Commission. If the governor designates an appropriate state agency, the property and records shall be transferred to the designated state agency.

"(f) The legislature recognizes the state's continuing obligation to pay bonded indebtedness incurred by a state agency abolished under this chapter, and this chapter does not impair or impede the payment of bonded indebtedness in accordance with its terms. If an abolished state agency has outstanding bonded indebtedness, the bonds remain valid and enforceable in accordance with their terms and subject to all applicable terms and conditions of the laws and proceedings authorizing the bonds. The governor shall designate an appropriate state agency that shall continue to carry out all covenants contained in the bonds and the proceedings authorizing them, including the issuance of bonds to complete the construction of projects. The designated state agency shall provide payment from the sources of payment of the bonds in accordance with the terms of the bonds, whether from taxes, revenues, or otherwise, until the bonds and interest on the bonds are paid in full. If the proceedings so provide, all funds established by laws or proceedings authorizing the bonds shall remain with the State Treasurer or the previously designated trustees. If the proceedings do not provide that the funds remain with the State Treasurer or the previously designated trustees, the funds shall be transferred to the designated state agency. (V.A.C.S. Art. 5429k, Sec. 1.17.)

"Section 325.018. SUBPOENA POWER. (a) The commission may issue process to compel the attendance of witnesses and the production of books, records, papers, and other objects necessary or proper for the purposes of the commission proceedings. The process may be served on a witness at any place in this state.

"(b) If a majority of the commission directs the issuance of a subpoena, the chairman shall issue the subpoena in the name of the commission.

"(c) If the chairman is absent, the chairman's designee may issue a subpoena or other process in the same manner as the chairman.

"(d) If necessary to obtain compliance with a subpoena or other process, the commission may issue attachments. The attachments may be addressed to and served by any peace officer in this state.

"(e) Testimony taken under subpoena must be reduced to writing and given under oath subject to the penalties of perjury.

"(f) A witness who attends a commission proceeding under process is entitled to the same mileage and per diem as a witness who appears before a grand jury in this state. (V.A.C.S. Art. 5429k, Sec. 1.18.)

"Section 325.019. ASSISTANCE OF AND ACCESS TO STATE AGENCIES. (a) The commission may request the assistance of state agencies and officers. When assistance is requested, a state agency or officer shall assist the commission.

"(b) In carrying out its functions under this chapter, the commission or its designated staff member may inspect the records, documents, and files of any state agency. (V.A.C.S. Art. 5429k, Sec. 1.19.)

"Section 325.020. RELOCATION OF EMPLOYEES. If an employee is displaced because a state agency or its advisory committee is abolished, reorganized, or continued, the state agency

and the Texas Employment Commission shall make a reasonable effort to relocate the displaced employee. (V.A.C.S. Art. 5429k, Sec. 1.20.)

"Section 325.021. SAVING PROVISION. Except as otherwise expressly provided, abolition of a state agency does not affect rights and duties that matured, penalties that were incurred, civil or criminal liabilities that arose, or proceedings that were begun before the effective date of the abolition. (V.A.C.S. Art. 5429k, Sec. 1.21.)

"CHAPTER 326. COOPERATION BETWEEN LEGISLATIVE AGENCIES

Section 326.001. DEFINITION

Section 326.002. PROVISION OF SERVICES

"CHAPTER 326. COOPERATION BETWEEN LEGISLATIVE AGENCIES

"Section 326.001. DEFINITION. In this chapter, 'legislative agency' means:

- "(1) the senate;
- "(2) the house of representatives;
- "(3) a committee, division, department, or office of the senate or house;
- "(4) the Texas Legislative Council;
- "(5) the Legislative Budget Board;
- "(6) the Legislative Reference Library; or
- "(7) the office of the State Auditor. (V.A.C.S. Art. 5429g, Sec. 1.)

"Section 326.002. PROVISION OF SERVICES. (a) A legislative agency may provide administrative, professional, clerical, and other services to another legislative agency with or without reimbursement.

"(b) Reimbursement, if any, must be made under a written contract executed by an officer who is authorized to execute contracts for each agency. (V.A.C.S. Art. 5429g, Sec. 2.)"

SECTION 2. Subsection (e), Section 3, Chapter 344, Acts of the 49th Legislature, Regular Session, 1945, as amended (Article 46c-3, Vernon's Texas Civil Statutes), is amended to read as follows:

"(e) A person who is required to register as a lobbyist under Chapter 305, *Government Code* [422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], may not serve as a member of the Commission or act as the general counsel to the Commission."

SECTION 3. Subsection (d), Section 3, Texas Structural Pest Control Act, as amended (Article 135b-6, Vernon's Texas Civil Statutes), is amended to read as follows:

"(d) The board shall appoint an executive director who shall administer the provisions of this Act and the rules and regulations promulgated by the board. The executive director shall receive a salary as determined by the board which shall be paid from funds available to the board. A person who is required to register as a lobbyist under Chapter 305, *Government Code* [422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], may not act as the general counsel to the board or serve as a member of the board."

SECTION 4. Subsection (b), Section 4, Chapter 478, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 249a, Vernon's Texas Civil Statutes), is amended to read as follows:

"(b). To aid the Board in performing its duties, the Board shall maintain an office in Austin, Travis County, Texas. The Board may employ an executive director to conduct the affairs of the Board under the Board's direction. The executive director shall receive a salary which the Board shall determine. The Board shall employ clerical help and assistants as are necessary for the proper performance of its work and may make expenditures for this purpose. A person who is required to register as a lobbyist under Chapter 305, *Government Code* [422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], may not serve as a member of the Board or act as the general counsel to the Board."

SECTION 5. Subsection C, Section 2, The Securities Act, as amended (Article 581-2, Vernon's Texas Civil Statutes), is amended to read as follows:

"C. A person who is required to register as a lobbyist under Chapter 305, *Government Code* [422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], because of the person's activities for compensation in or for a profession related to the operation of the Board, may not serve as a member of the Board or act as the general counsel to the Board."

SECTION 6. Subsection (b), Section 1, Chapter 415, Acts of the 52nd Legislature, Regular Session, 1951, as amended (Article 1273b, Vernon's Texas Civil Statutes), is amended to read as follows:

"(b) A person who is required to register as a lobbyist under Chapter 305, *Government Code* [422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], by virtue of his activities for compensation in or on behalf of a profession related to the operation of the Commission may not serve as a member of the Commission or act as the general counsel to the Commission."

SECTION 7. Subsection (a), Section 6, Public Utility Regulatory Act, as amended (Article 1446c, Vernon's Texas Civil Statutes), is amended to read as follows:

"(a) To be eligible for appointment as a commissioner, a person must be a qualified voter, not less than 30 years of age, a citizen of the United States, and a resident of the State of Texas. No person is eligible for appointment as a commissioner if at any time during the two-year period immediately preceding his appointment he personally served as an officer, director, owner, employee, partner, or legal representative of any public utility or any affiliated interest, or he owned or controlled, directly or indirectly, stocks or bonds of any class with a value of \$10,000, or more in a public utility or any affiliated interest. Each commissioner shall qualify for office by taking the oath prescribed for other state officers and shall execute a bond for \$5,000 payable to the state and conditioned on the faithful performance of his duties. A person who is required to register as a lobbyist under Chapter 305, *Government Code* [422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], may not serve as a member of the commission or public utility counsel or act as the general counsel to the commission."

SECTION 8. Subsection (b), Section 4, Chapter 438, Acts of the 65th Legislature, Regular Session, 1977, as amended (Article 2324b, Vernon's Texas Civil Statutes), is amended to read as follows:

"(b) It is the intent of the legislature that the membership of the board reflect the historical and cultural diversity of the inhabitants of this state; therefore, appointments to the board should be made without discrimination based on race, creed, sex, religion, national origin, or geographical distribution of the appointees. A person who is required to register as a lobbyist under Chapter 305, *Government Code* [422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], by virtue of his activities for compensation in or on behalf of a profession related to the operation of the board or a person who is an owner, officer, or employee of a school or institution engaged in instructing persons in court reporting skills may not serve as a member of the board or act as the general counsel to the board."

SECTION 9. Subsection (c), Section 4, The Texas Engineering Practice Act, as amended (Article 3271a, Vernon's Texas Civil Statutes), is amended to read as follows:

"(c) A person who is required to register as a lobbyist under Chapter 305, *Government Code* [422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], may not serve as a member of the Board or act as the general counsel to the Board."

SECTION 10. Subsection (f), Section 3, Chapter 546, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 4413(29aa), Vernon's Texas Civil Statutes), is amended to read as follows:

"(f) A person who is required to register as a lobbyist under Chapter 305, *Government Code* [422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], by virtue of his activities for compensation in or on behalf of a profession related to the operation of the Commission may not serve as a member of the Commission or act as the general counsel to the Commission."

SECTION 11. Subsection (d), Section 5, Private Investigators and Private Security Agencies Act, as amended (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended to read as follows:

"(d) A member or employee of the board may not be related within the second degree by affinity or within the second degree by consanguinity to a person who is an officer, employee, or paid consultant of a trade association in the regulated industry. A person who is required to register as a lobbyist under Chapter 305, *Government Code* [422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], may not serve as a member of the board or act as the general counsel to the board."

SECTION 12. Subsection (g), Section 5, Polygraph Examiners Act, as amended (Article 4413(29cc), Vernon's Texas Civil Statutes), is amended to read as follows:

"(g) A person who is required to register as a lobbyist under Chapter 305, *Government Code* [199, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], may not serve as a member of the board or act as the general counsel to the board."

SECTION 13. Subsection (b), Section 5, Texas Intergovernmental Cooperation Act, as amended (Article 4413(32b), Vernon's Texas Civil Statutes), is amended to read as follows:

"(b) A person who is required to register as a lobbyist under Chapter 305, *Government Code* [199, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], by virtue of his activities for compensation in or on behalf of a profession related to the operation of the commission may not serve as a member of the commission or act as the general counsel to the commission."

SECTION 14. Subsection (c), Section 2.09, Texas Motor Vehicle Commission Code, as amended (Article 4413(36), Vernon's Texas Civil Statutes), is amended to read as follows:

"(c) A person who is required to register as a lobbyist under Chapter 305, *Government Code* [199, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], may not act as the general counsel to or serve as a member of the Commission."

SECTION 15. Subsection (c), Section 1, Chapter 587, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 4413(41), Vernon's Texas Civil Statutes), is amended to read as follows:

"(c) A person who is required to register as a lobbyist under Chapter 305, *Government Code* [199, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], may not serve as a member of the Commission or act as the general counsel to the Commission."

SECTION 16. Section 5a, Chapter 879, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 4413(201), Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 5a. LOBBYIST RESTRICTION. A person who is required to register as a lobbyist under Chapter 305, *Government Code* [199, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], by virtue of his activities for compensation in or on behalf of a profession related to the operation of the department may not serve as the director or act as the general counsel to the department."

SECTION 17. Subsection (b), Section 4, Chapter 326, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 4413d-1, Vernon's Texas Civil Statutes), is amended to read as follows:

"(b) A person who is required to register as a lobbyist under Chapter 305, *Government Code* [199, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], may not act as the general counsel of the office."

SECTION 18. Subdivision (3), Section 3A, Texas Nursing Home Administrators Licensure Act (Article 4442d, Vernon's Texas Civil Statutes), is amended to read as follows:

"(3) A person who is required to register as a lobbyist under Chapter 305, *Government Code* [199, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], may not act as the general counsel to the board or serve as a member of the board."

SECTION 19. Subsection (b), Section 2, Chapter 363, Acts of the 68th Legislature, Regular Session, 1983 (Article 4477-60, Vernon's Texas Civil Statutes), is amended to read as follows:

"(b) A person who is required to register as a lobbyist under Chapter 305, *Government Code* [199, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], may not serve as a member of the council or act as the general counsel."

SECTION 20. Subsection (g) Section 2.05, Medical Practice Act, as amended (Article 4495b, Vernon's Texas Civil Statutes), is amended to read as follows:

"(g) A person required to register as a lobbyist under Chapter 305, *Government Code* [199, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252/0e, Vernon's Texas Civil Statutes)], by virtue of his activities on behalf of a trade or professional association in the regulated profession may not act as a member of the board."

SECTION 21. Subsection (g), Section 2.09, Medical Practice Act, as amended (Article 4495b, Vernon's Texas Civil Statutes), is amended to read as follows:

"(g) A person who is required to register as a lobbyist under Chapter 305, *Government Code* [199, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252/0e, Vernon's Texas Civil Statutes)], may not act as the general counsel of the board."

SECTION 22. Subsection (f), Section 3, Chapter 94, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 4512b, Vernon's Texas Civil Statutes), is amended to read as follows:

"(f) A person who is required to register as a lobbyist under Chapter 305, *Government Code* [422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], may not serve as a member of the Board or act as the general counsel to the Board."

SECTION 23. Subsection (h), Section 5, Psychologists' Certification and Licensing Act, as amended (Article 4512c, Vernon's Texas Civil Statutes), is amended to read as follows:

"(h) A person who is required to register as a lobbyist under Chapter 305, *Government Code* [422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], may not serve as a member of the Board or act as the general counsel to the Board."

SECTION 24. Subsection (h), Section 2, Chapter 836, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 4512e, Vernon's Texas Civil Statutes), is amended to read as follows:

"(h) A member or employee of the board may not be an officer, employee, or paid consultant of a trade association in the health-care industry. A member or employee of the board may not be related within the second degree by affinity or consanguinity to a person who is an officer, employee, or paid consultant of a trade association in the regulated industry. A person who is required to register as a lobbyist under Chapter 305, *Government Code* [422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], may not serve as a member of the board or act as the general counsel to the board."

SECTION 25. Subsection (g), Section 4, Licensed Professional Counselor Act, as amended (Article 4512g, Vernon's Texas Civil Statutes), is amended to read as follows:

"(g) A person who is required to register as a lobbyist under Chapter 305, *Government Code* [422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], may not serve as a member of the board or act as the general counsel to the board."

SECTION 26. Subsection (h), Section 3, Licensed Dietitian Act (Article 4512h, Vernon's Texas Civil Statutes), is amended to read as follows:

"(h) A person who is required to register as a lobbyist under Chapter 305, *Government Code* [422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], in a health-related area may not serve as a member of the board or act as the general counsel to the board."

SECTION 27. Subsection (c), Section 3, Chapter 381, Acts of the 68th Legislature, Regular Session, 1983 (Article 4512j, Vernon's Texas Civil Statutes), is amended to read as follows:

"(c) A person who is required to register as a lobbyist under Chapter 305, *Government Code* [422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], in a health-related area may not serve as a member of the board or act as the general counsel to the board."

SECTION 28. Subsection (o), Section 5, Chapter 118, Acts of the 52nd Legislature, Regular Session, 1951, as amended (Article 4528c, Vernon's Texas Civil Statutes), is amended to read as follows:

"(o) A person who is required to register as a lobbyist under Chapter 305, *Government Code* [422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], may not serve as a member of the Board or act as the general counsel to the Board."

SECTION 29. Subsection (b), Section 7, Texas Pharmacy Act, as amended (Article 4542a-1, Vernon's Texas Civil Statutes), is amended to read as follows:

"(b) A person who is required to register as a lobbyist under Chapter 305, *Government Code* [422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], by virtue of his activities as a member of a trade or professional association in the regulated profession may not act as general counsel or serve as a member of the board."

SECTION 30. Subsection (d), Section 2.02, Texas Optometry Act, as amended (Article 4552-2.02, Vernon's Texas Civil Statutes), is amended to read as follows:

"(d) A person who is required to register as a lobbyist under Chapter 305, *Government Code* [422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e,

Vernon's Texas Civil Statutes)], may not serve as a member of the board or act as the general counsel to the board."

SECTION 31. Subsection (f), Section 2, Chapter 366, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 4566-1.02, Vernon's Texas Civil Statutes), is amended to read as follows:

"(f) A person who is required to register as a lobbyist under Chapter 305, *Government Code* [422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], may not serve as a member of the Board or act as the general counsel to the Board."

SECTION 32. Subdivision (6), Subsection A, Section 2, Chapter 251, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 4582b, Vernon's Texas Civil Statutes), is amended to read as follows:

"(6) A person who is required to register as a lobbyist under Chapter 305, *Government Code* [422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], may not act as the general counsel to the Board or serve as a member of the Board."

SECTION 33. Subsection (c), Section 10, Texas Unemployment Compensation Act, as amended (Article 5221b-8, Vernon's Texas Civil Statutes), is amended to read as follows:

"(c) Disqualification: A person who is required to register as a lobbyist under Chapter 305, *Government Code* [422, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252/0e, Vernon's Texas Civil Statutes)], may not serve as a member of the Commission or act as the general counsel to the Commission during the time the person is registered as a lobbyist. If the person ceases to engage in lobbying activity and files a notice of termination as prescribed by Section 305.008, *Government Code* [7, Chapter 422, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252/0e, Vernon's Texas Civil Statutes)], the person may serve as a member of the Commission or act as the general counsel to the Commission."

SECTION 34. Subsection (d), Section 7, Land Surveying Practices Act of 1979 (Article 5282c, Vernon's Texas Civil Statutes), is amended to read as follows:

"(d) A person who is required to register as a lobbyist under Chapter 305, *Government Code* [422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], may not serve as a member of the board or act as the general counsel to the board. The general counsel and board members may appear and represent the board at committee hearings and other formal meetings of organs of the legislative or executive departments of government when invited to do so."

SECTION 35. Subsection (d), Section 2, Chapter 500, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 6145, Vernon's Texas Civil Statutes), is amended to read as follows:

"(d) A person who is required to register as a lobbyist under Chapter 305, *Government Code* [422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], by virtue of his activities for compensation in or on behalf of a profession related to the operation of the Commission may not serve as a member of the Commission or act as the general counsel to the Commission."

SECTION 36. Subsection (c), Section 1, Chapter 323, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 6144g, Vernon's Texas Civil Statutes), is amended to read as follows:

"(c) A person who is required to register as a lobbyist under Chapter 305, *Government Code* [422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], by virtue of his activities for compensation in or on behalf of a profession related to the operation of the Commission may not serve as a member of the Commission or act as the general counsel to the Commission."

SECTION 37. Subsection (b), Section 4, The Plumbing License Law, as amended (Article 6243-101, Vernon's Texas Civil Statutes), is amended to read as follows:

"(b) A member or employee of the Board may not be an officer, employee, or paid consultant of a trade association in the building construction industry. A member or employee of the Board may not be related within the second degree by affinity or consanguinity to a person who is an officer, employee, or paid consultant of a trade association in the regulated industry. A person who is required to register as a lobbyist under Chapter 305, *Government Code* [422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], may not serve as a member of the Board or act as the general counsel to the Board."

SECTION 38. Subsection (c), Section 5, The Real Estate License Act (Article 6573a, Vernon's Texas Civil Statutes), is amended to read as follows:

"(c) Appointments to the commission shall be made without regard to the race, creed, sex, religion, or national origin of the appointees. Each member of the commission shall be a citizen of Texas and a qualified voter. Six members shall have been engaged in the real estate brokerage business as licensed real estate brokers as their major occupations for at least five years next preceding their appointments. Three members must be representatives of the general public who are not licensed under this Act and who do not have, other than as consumers, a financial interest in the practice of a real estate broker or real estate salesman. It is grounds for removal from the commission if:

"(1) a broker-member of the commission ceases to be a licensed real estate broker; or

"(2) a person is required to register as a lobbyist under Chapter 305, *Government Code* [422, *Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)*], by virtue of his activities for compensation in or on behalf of a profession related to the operation of the commission."

SECTION 39. Section 21, Chapter 410, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 6674v, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 21. MISCELLANEOUS. Each Turnpike Project when constructed and opened to traffic shall be maintained and kept in good condition and repair by the Authority. Each such project shall also be policed and operated by such force of police, toll-takers and other operating employees as the Authority may in its discretion employ. Within its discretion the Authority may make arrangements with the Department of Public Safety for the services of police officers of that Agency.

"All private property damaged or destroyed in carrying out the powers granted by this Act shall be restored or repaired and placed in its original condition as nearly as practicable or adequate compensation made therefor out of funds provided under the authority of this Act.

"All counties, cities, villages and other political subdivisions and all public agencies and commissions of the State of Texas, notwithstanding any contrary provision of law, are hereby authorized and empowered to lease, lend, grant or convey to the Authority at its request, upon such terms and conditions as the proper authorities of such counties, cities, villages, other political subdivisions or public agencies and commissions of the State may deem reasonable and fair and without the necessity for any advertisement, order of court or other action or formality, other than the regular and formal action of the authorities concerned, any real property which may be necessary or appropriate to the effectuation of the authorized purposes of the Authority, including highways and other real property already devoted to public use.

"An action by the Authority may be evidenced in any legal manner, including a resolution adopted by its Board of Directors.

"If the Authority employs a general counsel, the counsel shall be prohibited from lobbying for the Authority, and no member of the Authority shall engage in activities requiring registration as a lobbyist under Chapter 305, *Government Code* [422, *Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)*].

"Any member, agent or employee of the Authority who contracts with the Authority or is interested, either directly or indirectly, in any contract with the Authority or in the sale of any property, either real or personal, to the Authority, shall be punished by a fine of not more than One Thousand Dollars (\$1,000).

"Any person who uses any turnpike project and fails or refuses to pay the toll provided therefor, shall be punished by a fine of not more than One Hundred Dollars (\$100) and in addition thereto the Authority shall have a lien upon the vehicle driven by such person for the amount of such toll and may take and retain possession thereof, until the amount of such toll and all charges in connection therewith shall have been paid.

"The Authority shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants and the cost thereof may be treated as a part of the cost of construction or of operation of the Turnpike Project."

SECTION 40. Subsection (m), Section 5, The Veterinary Licensing Act, as amended (Article 7465a, Vernon's Texas Civil Statutes), is amended to read as follows:

"(m) A person who is required to register as a lobbyist under Chapter 305, *Government Code* [422, *Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)*], may not serve as a member of the Board or act as the general counsel to the Board."

SECTION 41. Subsection (e), Section 6, The Water Well Drillers Act, as amended (Article 7621e, Vernon's Texas Civil Statutes), is amended to read as follows:

"(e) A person who, because of his activities on behalf of a trade or professional association in the regulated profession, is required to register as a lobbyist under Chapter 305, *Government Code* [422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], may not serve as a member of the Board or act as the general counsel to the Board."

SECTION 42. Section 29D, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 29D. A general counsel employed by the board or a member of the board may not lobby for the board and may not engage in conduct for which the person is required to register as a lobbyist under Chapter 305, *Government Code* [422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)]."

SECTION 43. Subsection (b), Section 6, Chapter 1036, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 8451a, Vernon's Texas Civil Statutes), is amended to read as follows:

"(b) The executive director may employ staff members necessary for administering the functions of the commission. A person who is required to register as a lobbyist under Chapter 305, *Government Code* [422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], may not act as the general counsel to the commission or serve as a member of the commission."

SECTION 44. Subsection (d), Section 5, Chapter 197, Acts of the 66th Legislature, Regular Session, 1979, as amended (Article 8751, Vernon's Texas Civil Statutes), is amended to read as follows:

"(d) A person who is required to register as a lobbyist under Chapter 305, *Government Code* [422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], may not act as the general counsel to the board."

SECTION 45. Section 9, Occupational Therapy Title Act (Article 8851, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 9. **CONFLICT OF INTEREST.** A person who is required to register as a lobbyist under Chapter 305, *Government Code* [422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], may not serve as a member of the board or act as general counsel to the board."

SECTION 46. Section (e), Article 304, Revised Statutes, as amended, is amended to read as follows:

"(e) A person who is required to register as a lobbyist under Chapter 305, *Government Code* [422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], may not act as the general counsel to the Board or serve as a member of the Board."

SECTION 47. Subsection (c), Section 1, Article 2525, Revised Statutes, is amended to read as follows:

"(c) A person who is required to register as a lobbyist under Chapter 305, *Government Code* [422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], by virtue of his activities for compensation in or on behalf of a profession related to the operation of the Board may not serve as a citizen member of the Board or act as the general counsel to the Board."

SECTION 48. Section 3, Article 4513, Revised Statutes, as amended, is amended to read as follows:

"Section 3. A member or employee of the board may not be an officer, employee, or paid consultant of a national or statewide trade association in the health-care industry. A member or employee of the board may not be related within the second degree by affinity or within the second degree by consanguinity to a person who is an officer, employee, or paid consultant of a national or statewide trade association in the regulated industry. A person who is required to register as a lobbyist under Chapter 305, *Government Code* [422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], by virtue of his activities on behalf of a national or statewide trade or professional association in a health-services industry may not serve as a member of the board or act as the general counsel to the board."

SECTION 49. Section 3, Article 4543, Revised Statutes, as amended, is amended to read as follows:

"Section 3. A member or employee of the Board may not be an officer, employee, or paid consultant of a trade association in the dental industry. A member or employee of the Board

may not be related within the second degree by affinity or within the second degree by consanguinity to a person who is an officer, employee, or paid consultant of a trade association in the regulated industry. A person who is required to register as a lobbyist under Chapter 305, *Government Code* [422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], by virtue of his activities on behalf of a trade or professional association in the profession regulated by the Board, may not serve as a member of the Board or act as the general counsel to the Board."

SECTION 50. Section (d), Article 4568, Revised Statutes, as amended, is amended to read as follows:

"(d) A person who is required to register as a lobbyist under Chapter 305, *Government Code*, [422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)] may not serve as a member of the Board or act as the general counsel to the Board."

SECTION 51. Article 5185a, Revised Statutes, is amended to read as follows:

"Article 5185a. **CONFLICT OF INTEREST.** A person who is required to register as a lobbyist under Chapter 305, *Government Code* [422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], by virtue of his activities performed for compensation in or on behalf of a profession related to the operation of the commission may not serve as a member of the commission or act as the general counsel to the commission."

SECTION 52. Subsection (b), Section 1, Article 5434, Revised Statutes, is amended to read as follows:

"(b) A person who is required to register as a lobbyist under Chapter 305, *Government Code* [422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], may not serve as a member of the Commission or act as the general counsel to the Commission."

SECTION 53. Subsection (b), Section 3, Article 5787, Revised Statutes, is amended to read as follows:

"(b) **Creation, membership:** There is hereby created and established by this Act, a Veterans Affairs Commission of the State of Texas. The Commission shall be composed of six (6) members who shall be appointed by the Governor, with the advice, consent and confirmation of the Senate. Appointments to the Commission shall be made without regard to the race, creed, sex, religion, or national origin of the appointees. The members of the Commission shall be citizens and bona fide residents of the State of Texas, and at least four (4) members of the Commission shall have been honorably discharged or honorably released from active military service of the United States. At all times at least one member of the Commission shall be a person who is classified as a disabled veteran by the Veterans Administration of the United States or the successor to that agency or by the branch of the Armed Forces of the United States in which he served, and whose disability is service-connected and compensable. No member of the Commission shall have a discharge from military service that is less than honorable. No two (2) members of the Commission shall reside in the same Senatorial District, and not more than one (1) shall be from a Senatorial District composed of one (1) county. A person who, because of his activities on behalf of a veterans association, is required to register as a lobbyist under Chapter 305, *Government Code* [422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], may not serve as a member of the Commission or act as the general counsel to the Commission. Members shall be appointed for staggered terms of six (6) years. Each member shall serve until the appointment and qualification of his successor. Each member of the Commission is entitled to a per diem as set by legislative appropriation for each day that the member engages in the business of the Commission. A member may not receive any compensation for travel expenses, including expenses for meals and lodging, other than transportation expenses. A member is entitled to compensation for transportation expenses as prescribed by the General Appropriations Act."

SECTION 54. Article 5931-1, Revised Statutes, as amended, is amended to read as follows:

"Article 5931-1. **COMPOSITION.** There is hereby created the Texas National Guard Armory Board to be composed of three members of the general public appointed by the governor with the advice and consent of the senate and of the two senior officers of the Texas Army National Guard and the senior officer of the Texas Air National Guard. The three members of the Texas National Guard, at the time of appointment, must be actively serving in the Texas Army National Guard or the Texas Air National Guard, and the three public members, at the time of appointment, must not be actively serving in the Texas Army National Guard or the Texas Air National Guard. Appointments to the board shall be made without regard to the race,

creed, sex, religion, or national origin of the appointees. The term of office for members of the Texas National Guard Armory Board shall be of six years' duration without regard to organizational structure of the National Guard. The retirement of a member who is an officer of the Texas National Guard from active service with the Texas Army National Guard or Texas Air National Guard shall constitute a vacancy to be filled in accordance with this Act. In the event of a vacancy, the person qualifying for the position shall complete the unexpired term of his predecessor. Each officer of the Texas Army National Guard or the Texas Air National Guard who may thereafter fill the position qualifying him for membership on the Texas National Guard Armory Board, as provided in this Act, shall be certified by the Governor of Texas to the Secretary of State, who shall notify the officer concerned within 10 days after the occurrence of the vacancy. Each officer of the Texas National Guard who is notified shall, within 15 days from the date of his receipt of notice of his eligibility to serve to fill a vacancy, qualify by taking and filing with the Secretary of State the constitutional oath of office.

"The Board annually shall elect a chairman and treasurer from its membership.

"In the event any member of the Board who is an officer of the Texas National Guard is unable to serve as a Board member because of his induction into federal service or the induction of his military unit into federal service, the Governor of Texas shall designate the next senior officer of the Texas National Guard as successor in function, who shall thereupon be and become a member of the Board only for the duration of such term of induction into federal service; thereafter the military successor in function of the Texas National Guard shall qualify as a member of the Board.

"It is further provided that none of the members of this Board shall at the time hold any other office or position of honor, trust, or profit under the state or federal government, except as a member of the Texas National Guard.

"Should any officer fail to qualify as a member of the Board under the provisions of the State Constitution or the provisions of this Act, the next senior officer in military rank to qualify shall be certified by the Governor of Texas to the Secretary of State as provided in this Act.

"A person who is required to register as a lobbyist under Chapter 305, *Government Code* [422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)], may not serve as a member of the Board or act as general counsel to the Board.

"It is a ground for removal from the Board if a member fails to attend at least half of the regularly scheduled Board meetings held in a calendar year, excluding meetings held while the person was not a Board member."

SECTION 55. Subsection (c), Section 2, Article 6252-9d, Revised Statutes, is amended to read as follows:

"(c) Except as provided by Subsection (f) of this section, to be eligible for appointment as a public member, a person may not be at the time of appointment and during service on the commission any of the following:

- "(1) an officer of the state or of a political subdivision of the state;
- "(2) a candidate or campaign treasurer subject to Chapter 14, Texas Election Code; or
- "(3) a lobbyist required to be registered under Chapter 305, *Government Code* [422, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252/0e, Vernon's Texas Civil Statutes)]."

SECTION 56. Subsection (a), Section 9, Article 6252-9d, Revised Statutes, is amended to read as follows:

"(a) If a person subject to any of the following laws requests in writing a commission opinion about the application of any of these laws to himself in regard to a specified factual situation, whether existing or hypothetical, the commission shall prepare a written opinion answering the request:

- "(1) laws governing the standards of conduct of state officers or employees, as regulated by Chapter 421, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-9b, Vernon's Texas Civil Statutes);
- "(2) laws governing the activities, registration, and reporting requirements of persons engaging in activities designed to influence legislation, as regulated by Chapter 305, *Government Code* [422, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252/0e, Vernon's Texas Civil Statutes)];
- "(3) laws governing political funds reporting and disclosure, as regulated by Chapter 14, Texas Election Code;
- "(4) laws governing bribery and corrupt influence, as regulated by Chapter 36, Penal Code;
- "(5) laws governing abuse of office, as regulated by Chapter 39, Penal Code; or

"(6) *Subchapters B and C, Chapter 302, Government Code* [~~Articles 5428a and 5428b, Revised Statutes~~]."

SECTION 57. Section (b), Article 6447c, Revised Statutes, is amended to read as follows:

"(b) A person who is required to register as a lobbyist under Chapter 305, *Government Code* [~~422, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252/0e, Vernon's Texas Civil Statutes)~~], may not act as the general counsel to the commission."

SECTION 58. Subsection (c), Section 2, Article 8307, Revised Statutes, as amended, is amended to read as follows:

"(c) A person who is required to register as a lobbyist under Chapter 305, *Government Code* [~~422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)~~], by virtue of his activities for compensation in or on behalf of a profession related to the operation of the board may not serve as a member of the board or act as general counsel to the board."

SECTION 59. Article 1.06B, Insurance Code, is amended to read as follows:

"Article 1.06B. LOBBYING ACTIVITIES. A person who is required to register as a lobbyist under Chapter 305, *Government Code* [~~422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)~~], by virtue of his activities for compensation in or on behalf of a profession related to the operation of the board may not serve as a member of the board or act as the general counsel to the board."

SECTION 60. Section 31.22, Education Code, is amended to read as follows:

"Section 31.22. LOBBYING ACTIVITIES. A person who is required to register as a lobbyist under Chapter 305, *Government Code* [~~422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)~~], by virtue of his activities for compensation in or on behalf of a profession related to the operation of the council may not serve as a member of the council or act as the general counsel to the council."

SECTION 61. Subsection (f), Section 50.004, Human Resources Code, as amended, is amended to read as follows:

"(f) A person who is required to register as a lobbyist under Chapter 305, *Government Code* [~~422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)~~], by virtue of his activities for compensation in or on behalf of a profession related to the operation of the council may not serve as a council member or act as the general counsel to the council."

SECTION 62. Subsection (b), Section 191.011, Natural Resources Code, as amended, is amended to read as follows:

"(b) A person who is required to register as a lobbyist under Chapter 305, *Government Code* [~~422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)~~], by virtue of his activities for compensation in or on behalf of a profession related to the operation of the committee may not serve as a member of the committee or act as the general counsel to the committee."

SECTION 63. Article 6A, Chapter I, The Texas Banking Code of 1943, as amended (Article 342-106A, Vernon's Texas Civil Statutes), is amended to read as follows:

"Article 6A. CONFLICT OF INTEREST. A person who is required to register as a lobbyist under Chapter 305, *Government Code* [~~422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)~~], by virtue of his activities for compensation in or on behalf of a profession related to the operation of the Finance Commission may not serve as a member of the Finance Commission or act as the general counsel to the Finance Commission."

SECTION 64. Subsection 2, Article 15, Chapter I, The Texas Banking Code of 1943, as amended (Article 342-115, Vernon's Texas Civil Statutes), is amended to read as follows:

"2. A person who is required to register as a lobbyist under Chapter 305, *Government Code* [~~422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252/0e, Vernon's Texas Civil Statutes)~~], by virtue of his activities for compensation in or on behalf of a profession related to the operation of the board may not serve as a member of the board or act as the general counsel to the board."

SECTION 65. Section 1.02, Texas Litter Abatement Act, as amended (Article 4477-9a, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1.02. CONSTRUCTION OF ACT. The Code Construction Act (*Chapter 311, Government Code*) [~~(Article 5420b/2, Vernon's Texas Civil Statutes)~~] applies to the construction of each provision of this Act except as otherwise expressly provided by this Act."

SECTION 66. Section 1.002, Agriculture Code, is amended to read as follows:

"Section 1.002. CONSTRUCTION OF CODE. The Code Construction Act (*Chapter 311, Government Code*) [~~(Article 5420b/2, Vernon's Texas Civil Statutes)~~] applies to the construction of each provision in this code, except as otherwise expressly provided by this code."

SECTION 67. Section 1.02, Alcoholic Beverage Code, is amended to read as follows:

"Section 1.02. CONSTRUCTION OF CODE. The Code Construction Act (*Chapter 311, Government Code*) [~~(Article 5420b/2, Vernon's Texas Civil Statutes)~~] applies to the construction of each provision in this code, except as otherwise expressly provided by this code."

SECTION 68. Section 1.002, Parks and Wildlife Code, is amended to read as follows:

"Section 1.002. CONSTRUCTION OF CODE. The Code Construction Act (*Chapter 311, Government Code*) [~~(Article 5420b/2, Vernon's Texas Civil Statutes)~~] applies to the construction of each provision in this code, except as otherwise expressly provided by this code."

SECTION 69. Subsection (b), Section 1.05, Penal Code, is amended to read as follows:

"(b) Unless a different construction is required by the context, Sections 311.011, 311.012, 311.014, 311.015, and 311.021 through 311.032 [~~2.01, 2.02, 2.04, 2.05, and 3.01 through 3.12~~] of the Code Construction Act (*Chapter 311, Government Code*) [~~(Article 5420b/2, Vernon's Texas Civil Statutes)~~] apply to the construction of this code."

SECTION 70. Section 1.002, Property Code, is amended to read as follows:

"Section 1.002. CONSTRUCTION OF CODE. The Code Construction Act (*Chapter 311, Government Code*) [~~(Article 5420b/2, Vernon's Texas Civil Statutes)~~] applies to the construction of each provision in this code, except as otherwise expressly provided by this code."

SECTION 71. Section 1.002, Natural Resources Code, is amended to read as follows:

"Section 1.002. CONSTRUCTION OF CODE. The Code Construction Act (*Chapter 311, Government Code*) [~~(Article 5420b/2, Vernon's Texas Civil Statutes)~~] applies to the construction of each provision in this code, except as otherwise expressly provided by this code."

SECTION 72. Section 1.03, Tax Code, is amended to read as follows:

"Section 1.03. CONSTRUCTION OF TITLE. The Code Construction Act (*Chapter 311, Government Code*) applies to the construction of each provision of this title except as otherwise expressly provided by this title."

SECTION 73. Section 101.002, Tax Code, is amended to read as follows:

"Section 101.002. CONSTRUCTION OF CODE. The Code Construction Act (*Chapter 311, Government Code*) [~~(Article 5420b/2, Vernon's Texas Civil Statutes)~~] applies to the construction of each provision of this title, except as specifically provided by this title."

SECTION 74. Section 1.002, Water Code, is amended to read as follows:

"Section 1.002. CONSTRUCTION OF CODE. The Code Construction Act (*Chapter 311, Government Code*) [~~(Article 5420b/2, Vernon's Texas Civil Statutes)~~] applies to the construction of each provision in this code, except as otherwise expressly provided by this code."

SECTION 75. Section 1.002, Human Resources Code, is amended to read as follows:

"Section 1.002. CONSTRUCTION OF CODE. The Code Construction Act (*Chapter 311, Government Code*) [~~(Article 5420b/2, Vernon's Texas Civil Statutes)~~] applies to the construction of each provision of this code, except as otherwise expressly provided by this code."

SECTION 76. Section 1.002, Title 110B, Revised Statutes, is amended to read as follows:

"Section 1.002. CONSTRUCTION OF TITLE. The Code Construction Act (*Chapter 311, Government Code*) [~~(Article 5420b/2, Vernon's Texas Civil Statutes)~~] applies to the construction of each provision in this title, except as otherwise expressly provided by this title."

SECTION 77. Section 28, Public Accountancy Act of 1979, as amended (Article 41a-1, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 28. APPLICATION OF SUNSET ACT. The Texas State Board of Public Accountancy is subject to the Texas Sunset Act (*Chapter 325, Government Code*). Unless [~~(Article 5420k, Vernon's Texas Civil Statutes), and unless~~] continued in existence as provided by that Act, the board is abolished [;] and this Act expires [effective] September 1, 1991."

SECTION 78. Subsection (c), Section 3, Chapter 344, Acts of the 49th Legislature, Regular Session, 1945, as amended (Article 46c-3, Vernon's Texas Civil Statutes), is amended to read as follows:

"(c) The Texas Aeronautics Commission is subject to the Texas Sunset Act (*Chapter 325, Government Code*) [; as amended (~~Article 5420k, Vernon's Texas Civil Statutes~~)]. Unless

continued in existence as provided by that Act, the commission is abolished [effective] September 1, 1993."

SECTION 79. Subsection (e), Section 3, Texas Structural Pest Control Act, as amended (Article 135b-6, Vernon's Texas Civil Statutes), is amended to read as follows:

"(e) The Texas Structural Pest Control Board is subject to the Texas Sunset Act (*Chapter 325, Government Code*). Unless [~~Article 5420k, Vernon's Texas Civil Statutes~~], and unless] continued in existence as provided by that Act, the board is abolished [;] and this Act expires [effective] September 1, 1991."

SECTION 80. Section 2a, Chapter 478, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 249a, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 2a. The Board of Architectural Examiners is subject to the Texas Sunset Act (*Chapter 325, Government Code*). Unless [; and unless] continued in existence as provided by that Act, the board is abolished [;] and this Act expires [effective] September 1, 1991."

SECTION 81. Section 21, State Bar Act, as amended (Article 320a-1, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 21. The State Bar is subject to the Texas Sunset Act (*Chapter 325, Government Code*). Unless [; and unless] continued in existence as provided by that Act, the State Bar is abolished [;] and this Act expires [effective] September 1, 1991."

SECTION 82. Section 5, Chapter 709, Acts of the 67th Legislature, Regular Session, 1981 (Article 332d-1, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 5. The Prosecutor Council is subject to the Texas Sunset Act (*Chapter 325, Government Code*). Unless [; as amended (~~Article 5420k, Vernon's Texas Civil Statutes~~); and unless] continued in existence as provided by that Act, the Prosecutor Council is abolished and this Act expires [effective] September 1, 1985."

SECTION 83. Subsection O, The Securities Act, as amended (Article 581-2, Vernon's Texas Civil Statutes), is amended to read as follows:

"O. The State Securities Board is subject to the Texas Sunset Act (*Chapter 325, Government Code*). Unless [; as amended (~~Article 5420k, Vernon's Texas Civil Statutes~~); and unless] continued in existence as provided by that Act, the board is abolished [;] and this Act expires [effective] September 1, 1995."

SECTION 84. Section 2.07, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 2.07. APPLICATION OF SUNSET ACT. The commission is subject to the Texas Sunset Act (*Chapter 325, Government Code*) [~~Article 5420k, Vernon's Texas Civil Statutes~~]. Unless continued in existence as provided by that Act, the commission is abolished and this Act expires [effective] September 1, 1991."

SECTION 85. Subsection (b), Section 3, Texas Housing Agency Act (Article 12691-6, Vernon's Texas Civil Statutes), is amended to read as follows:

"(b) The agency is subject to the Texas Sunset Act (*Chapter 325, Government Code*) [; as amended (~~Article 5420k, Vernon's Texas Civil Statutes~~)]. Unless continued in existence as provided by that Act, the agency is abolished and this Act expires [effective] September 1, 1991."

SECTION 86. Section 1a, Chapter 415, Acts of the 52nd Legislature, Regular Session, 1951 (Article 1273b, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1a. APPLICATION OF SUNSET ACT. The Commission on Uniform State Laws is subject to the Texas Sunset Act (*Chapter 325, Government Code*). Unless [; as amended (~~Article 5420k, Vernon's Texas Civil Statutes~~); and unless] continued in existence as provided by that Act, the commission is abolished [;] and this Act expires [effective] September 1, 1995."

SECTION 87. Section 5a, Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 5a. The Public Utility Commission of Texas and the Office of Public Utility Counsel are subject to the Texas Sunset Act (*Chapter 325, Government Code*). Unless [; as amended (~~Article 5420k, Vernon's Texas Civil Statutes~~); and unless] continued in existence as provided by that Act, the commission and the Office of Public Utility Counsel are abolished [;] and this Act expires [effective] September 1, 1995."

SECTION 88. Section 1a, Chapter 19, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 2328a, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1a. The Texas ~~(Civil)~~ Judicial Council is subject to the Texas Sunset Act (*Chapter 325, Government Code*). ~~Unless [; and unless]~~ continued in existence as provided by that Act, the council is abolished [;] and this Act expires ~~[effective]~~ September 1, 1987."

SECTION 89. Subsection (c), Section 11.01, Texas Credit Union Act, as amended (Article 2461-11.01, Vernon's Texas Civil Statutes), is amended to read as follows:

"(c) The Credit Union Commission is subject to the Texas Sunset Act (*Chapter 325, Government Code*). ~~Unless [; as amended (Article 5420k, Vernon's Texas Civil Statutes); and unless]~~ continued in existence as provided by that Act, the commission is abolished [;] and this Act expires ~~[effective]~~ September 1, 1995."

SECTION 90. Section 3a, The Texas Engineering Practice Act, as amended (Article 3271a, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 3a. The State Board of Registration for Professional Engineers is subject to the Texas Sunset Act (*Chapter 325, Government Code*). ~~Unless [; as amended (Article 5420k, Vernon's Texas Civil Statutes); and unless]~~ continued in existence as provided by that Act, the board is abolished [;] and this Act expires ~~[effective]~~ September 1, 1993."

SECTION 91. Section 1b, Chapter 435, Acts of the 50th Legislature, Regular Session, 1947 (Article 4101-2, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1b. The Good Neighbor Commission is subject to the Texas Sunset Act (*Chapter 325, Government Code*). ~~Unless (Article 5420k, Vernon's Texas Civil Statutes); and unless]~~ continued in existence as provided by that Act, the commission is abolished [;] and this Act expires ~~[effective]~~ September 1, 1991."

SECTION 92. Subsection c, Section 1, Chapter 1, Acts of the 56th Legislature, 1st Called Session, 1959 (Article 4348a, Vernon's Texas Civil Statutes), is amended to read as follows:

"c. The Committee on State Revenue Estimates is subject to the Texas Sunset Act (*Chapter 325, Government Code*). ~~Unless [; and unless]~~ continued in existence as provided by that Act, the committee is abolished ~~[effective]~~ September 1, 1989."

SECTION 93. Subsection (b), Section 3, State Funds Reform Act of 1981 (Article 4393c, Vernon's Texas Civil Statutes), is amended to read as follows:

"(b) This Act does not apply to:

"(1) funds pledged to the payment of bonds, notes, or other debts if the funds are not otherwise required to be deposited in the state treasury;

"(2) funds held in trust or escrow for the benefit of any person or entity other than a state agency;

"(3) funds set apart out of earnings derived from investment of funds held in trust for others, as administrative expenses of the trustee agency;

"(4) funds, grants, donations, and proceeds from funds, grants, and donations, given in trust to the Texas State Library and Archives Commission for the establishment and maintenance of regional historical resource depositories and libraries in accordance with Section 2A, Chapter 503, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 5442b, Vernon's Texas Civil Statutes); or

"(5) the deposit of funds for state agencies subject to review under the Texas Sunset Act (*Chapter 325, Government Code*) ~~[(Article 5420k, Vernon's Texas Civil Statutes)]~~ for 1981, which shall be determined by each agency's enabling statute."

SECTION 94. Section 2a, Southern Interstate Nuclear Compact, as amended (Article 4413c-1, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 2a. The office of Southern States Energy Board Members for Texas is subject to the Texas Sunset Act (*Chapter 325, Government Code*). ~~Unless [; as amended (Article 5420k, Vernon's Texas Civil Statutes); and unless]~~ continued in existence as provided by that Act, the office is abolished [;] and this Act expires ~~[effective]~~ September 1, 1995."

SECTION 95. Section 2a, Chapter 293, Acts of the 48th Legislature, Regular Session, 1943 (Article 4413a-8a, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 2a. The Legislative Audit Committee is subject to the Texas Sunset Act (*Chapter 325, Government Code*). ~~Unless [; and unless]~~ continued in existence as provided by that Act, the committee is abolished ~~[effective]~~ September 1, 1989."

SECTION 96. Section 1a, Chapter 326, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 4413d-1, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1a. The Office of State-Federal Relations is subject to the Texas Sunset Act (*Chapter 325, Government Code*). ~~Unless [; as amended (Article 5420k, Vernon's Texas Civil Statutes); and unless]~~ continued in existence as provided by that Act, the office is abolished [;] and this Act expires ~~[effective]~~ September 1, 1995."

SECTION 97. Section 1a, Chapter 546, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 4413(29aa), Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1a. The Commission on Law Enforcement Officer Standards and Education is subject to the Texas Sunset Act (*Chapter 325, Government Code*). *Unless* [~~;~~ ~~as amended (Article 5420k, Vernon's Texas Civil Statutes); and unless~~] continued in existence as provided by that Act, the commission is abolished [~~;~~] and this Act expires [~~effective~~] September 1, 1995."

SECTION 98. Subsection (d), Section 4, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended to read as follows:

"(d) The Texas Board of Private Investigators and Private Security Agencies is subject to the Texas Sunset Act (*Chapter 325, Government Code*). *Unless* [~~;~~ ~~as amended (Article 5420k, Vernon's Texas Civil Statutes); and unless~~] continued in existence as provided by that Act, the board is abolished [~~;~~] and this Act expires [~~effective~~] September 1, 1993."

SECTION 99. Subsection (e), Section 5, Polygraph Examiners Act, as amended (Article 4413(29cc), Vernon's Texas Civil Statutes), is amended to read as follows:

"(e) The Polygraph Examiners Board is subject to the Texas Sunset Act (*Chapter 325, Government Code*). *Unless* [~~;~~ ~~as amended (Article 5420k, Vernon's Texas Civil Statutes); and unless~~] continued in existence as provided by that Act, the board is abolished [~~;~~] and this Act expires [~~effective~~] September 1, 1993."

SECTION 100. Section 1a, Chapter 181, General Laws, Acts of the 44th Legislature, Regular Session, 1935 (Article 4413(1a), Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1a. The Department of Public Safety is subject to the Texas Sunset Act (*Chapter 325, Government Code*). *Unless* [~~;~~ ~~and unless~~] continued in existence as provided by that Act, the department is abolished [~~effective~~] September 1, 1987."

SECTION 101. Section 4a, Texas Intergovernmental Cooperation Act, as amended (Article 4413(32b), Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 4a. APPLICATION OF SUNSET ACT. The Texas Advisory Commission on Intergovernmental Relations is subject to the Texas Sunset Act (*Chapter 325, Government Code*). *Unless* [~~;~~ ~~as amended (Article 5420k, Vernon's Texas Civil Statutes); and unless~~] continued in existence as provided by that Act, the commission is abolished [~~;~~] and this Act expires [~~effective~~] September 1, 1995."

SECTION 102. Section 14, Chapter 737, Acts of the 67th Legislature, Regular Session, 1981 (Article 4413(32h), Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 14. APPLICATION OF SUNSET ACT. The council is subject to the Texas Sunset Act (*Chapter 325, Government Code*) [~~;~~ ~~as amended (Article 5420k, Vernon's Texas Civil Statutes)~~]. *Unless* continued in existence as provided by that Act, the council is abolished and this Act expires September 1, 1993."

SECTION 103. Section 1a, Chapter 668, Acts of the 61st Legislature, Regular Session, 1969 (Article 4413(35), Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1a. The Commission on Fire Protection Personnel Standards and Education is subject to the Texas Sunset Act (*Chapter 325, Government Code*). *Unless* [~~;~~ ~~and unless~~] continued in existence as provided by that Act, the commission is abolished [~~;~~] and this Act expires [~~effective~~] September 1, 1987."

SECTION 104. Section 2.01a, Texas Motor Vehicle Commission Code, as amended (Article 4413(36), Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 2.01a. The Texas Motor Vehicle Commission is subject to the Texas Sunset Act (*Chapter 325, Government Code*). *Unless* [~~;~~ ~~and unless~~] continued in existence as provided by that Act, the commission is abolished [~~;~~] and this Act expires [~~effective~~] September 1, 1991."

SECTION 105. Section 1a, Chapter 279, Acts of the 62nd Legislature, Regular Session, 1971 (Article 4413(38), Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1a. The Texas Coastal and Marine Council is subject to the Texas Sunset Act (*Chapter 325, Government Code*). *Unless* [~~;~~ ~~and unless~~] continued in existence as provided by that Act, the council is abolished [~~;~~] and this Act expires [~~effective~~] September 1, 1985."

SECTION 106. Section 1B, Chapter 587, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 4413(41), Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1B. The Texas Amusement Machine Commission is subject to the Texas Sunset Act (*Chapter 325, Government Code*). *Unless* [~~;~~ ~~as amended (Article 5420k, Vernon's Texas Civil~~

~~Statutes; and unless~~] continued in existence as provided by that Act, the commission is abolished [;] and this Act expires ~~[effective]~~ September 1, 1993."

SECTION 107. Subsection (c), Section 3, Chapter 889, Acts of the 62nd Legislature, Regular Session, 1971 (Article 4413(44), Vernon's Texas Civil Statutes), is amended to read as follows:

"(c) The Governor's Commission on Physical Fitness is subject to the Texas Sunset Act (*Chapter 325, Government Code*). ~~Unless [; and unless]~~ continued in existence as provided by that Act, the commission is abolished [;] and this Act expires ~~[effective]~~ September 1, 1989."

SECTION 108. Section 2a, Chapter 13, Acts of the 62nd Legislature, 4th Called Session, 1972 (Article 4413(45), Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 2a. The Texas Film Commission is subject to the Texas Sunset Act (*Chapter 325, Government Code*). ~~Unless [; and unless]~~ continued in existence as provided by that Act, the commission is abolished [;] and this Act expires ~~[effective]~~ September 1, 1989."

SECTION 109. Section 6, Chapter 324, Acts of the 67th Legislature, Regular Session, 1981 (Article 4413(49), Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 6. The council is subject to the Texas Sunset Act (*Chapter 325, Government Code*) [; ~~as amended (Article 5420k, Vernon's Texas Civil Statutes);~~] and expires 12 years from its creation."

SECTION 110. Section 12, Chapter 384, Acts of the 67th Legislature, Regular Session, 1981 (Article 4413(50), Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 12. APPLICATION OF SUNSET ACT. The council is subject to the Texas Sunset Act (*Chapter 325, Government Code*) [; ~~as amended (Article 5420k, Vernon's Texas Civil Statutes);~~]. Unless continued in existence as provided by that Act, the council is abolished and this Act expires September 1, 1993."

SECTION 111. Section 3a, Chapter 879, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 4413(201), Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 3a. APPLICATION OF SUNSET ACT. The Texas Department of Community Affairs is subject to the Texas Sunset Act (*Chapter 325, Government Code*). ~~Unless [; as amended (Article 5420k, Vernon's Texas Civil Statutes); and unless]~~ continued in existence as provided by that Act, the department is abolished [;] and this Act expires ~~[effective]~~ September 1, 1995."

SECTION 112. Subdivision (10), Section 3, Texas Nursing Home Administrators Licensure Act, as amended (Article 4442d, Vernon's Texas Civil Statutes), is amended to read as follows:

"(10) The Texas Board of Licensure for Nursing Home Administrators is subject to the Texas Sunset Act (*Chapter 325, Government Code*). ~~Unless [; and unless]~~ continued in existence as provided by that Act, the board is abolished [;] and this Act expires ~~[effective]~~ September 1, 1991."

SECTION 113. Section 1a, Chapter 352, Acts of the 56th Legislature, Regular Session, 1959 (Article 4447c, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1a. The Texas Coordinating Commission for State Health and Welfare Services is subject to the Texas Sunset Act (*Chapter 325, Government Code*). ~~Unless [; and unless]~~ continued in existence as provided by that Act, the commission is abolished [;] and this Act expires ~~[effective]~~ September 1, 1985."

SECTION 114. Section 14, Chapter 642, Acts of the 66th Legislature, Regular Session, 1979 (Article 4447u, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 14. This Act and the council created thereby are subject to the Texas Sunset Act (*Chapter 325, Government Code*). ~~Unless [; and unless]~~ continued in existence by that Act, the council is abolished [;] and this Act expires ~~[effective]~~ September 1, 1991."

SECTION 115. Section 2.01a, Texas Clean Air Act (Article 4477-5, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 2.01a. The Texas Air Control Board is subject to the Texas Sunset Act (*Chapter 325, Government Code*). ~~Unless [; and unless]~~ continued in existence as provided by that Act, the board is abolished [;] and this Act expires ~~[effective]~~ September 1, 1985."

SECTION 116. Subdivision (10), Section 1.03, Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes), is amended to read as follows:

"(10) 'Texas Sunset Act' means *Chapter 325, Government Code* [~~Chapter 735, Acts of the 65th Legislature, Regular Session, 1977 (Article 5420k, Vernon's Texas Civil Statutes).~~]

SECTION 117. Section 5.10, Medical Practice Act, as amended (Article 4495b, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 5.10. APPLICATION OF SUNSET ACT. The board is subject to the Texas Sunset Act (*Chapter 325, Government Code*) [~~; as amended (Article 5420k, Vernon's Texas Civil Statutes)~~]. Unless continued in existence as provided by that Act, the board is abolished and this Act expires September 1, 1993."

SECTION 118. Section 1a, Chapter 348, Acts of the 63rd Legislature, Regular Session, 1973 (Article 4498c, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1a. The State Rural Medical Education Board is subject to the Texas Sunset Act (*Chapter 325, Government Code*), but it is not abolished under that Act. The board shall be reviewed under the Texas Sunset Act during the period in which state agencies abolished [effective] September 1 of 1989 and of every 12th year after 1989 are reviewed."

SECTION 119. Subsection (h), Section 3, Chapter 94, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 4512b, Vernon's Texas Civil Statutes), is amended to read as follows:

"(h) The Texas Board of Chiropractic Examiners is subject to the Texas Sunset Act (*Chapter 325, Government Code*). Unless [~~; as amended (Article 5420k, Vernon's Texas Civil Statutes)~~] and unless continued in existence as provided by that Act, the board is abolished [~~;~~] and this Act expires [effective] September 1, 1993."

SECTION 120. Section 4a, Psychologists' Certification and Licensing Act, as amended (Article 4512c, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 4a. The Texas State Board of Examiners of Psychologists is subject to the Texas Sunset Act (*Chapter 325, Government Code*). Unless [~~; as amended (Article 5420k, Vernon's Texas Civil Statutes)~~] and unless continued in existence as provided by that Act, the Board is abolished [~~;~~] and this Act expires [effective] September 1, 1993."

SECTION 121. Subsection (g), Section 2, Chapter 836, Acts of the 62nd Legislature, Regular Session, 1971 (Article 4512c, Vernon's Texas Civil Statutes), is amended to read as follows:

"(g) The board is subject to the Texas Sunset Act (*Chapter 325, Government Code*) [~~; as amended (Article 5420k, Vernon's Texas Civil Statutes)~~]. Unless the board is continued in existence as provided by that Act, the board is abolished [effective] September 1, 1993."

SECTION 122. Section 21, Licensed Professional Counselor Act (Article 4512g, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 21. APPLICATION OF SUNSET ACT. The board is subject to the Texas Sunset Act (*Chapter 325, Government Code*) [~~; as amended (Article 5420k, Vernon's Texas Civil Statutes)~~]. Unless the board is continued in existence as provided by that Act, the board is abolished [effective] September 1, 1993."

SECTION 123. Subsection (p), Section 5, Chapter 118, Acts of the 52nd Legislature, Regular Session, 1951, as amended (Article 4528c, Vernon's Texas Civil Statutes), is amended to read as follows:

"(p) The Board of Vocational Nurse Examiners is subject to the Texas Sunset Act (*Chapter 325, Government Code*). Unless [~~; as amended (Article 5420k, Vernon's Texas Civil Statutes)~~] and unless continued in existence as provided by that Act, the board is abolished [~~;~~] and this Act expires [effective] September 1, 1993."

SECTION 124. Section 3, Texas Pharmacy Act (Article 4542a.1, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 3. APPLICATION OF SUNSET ACT. The Texas State Board of Pharmacy is subject to the Texas Sunset Act (*Chapter 325, Government Code*) [~~; as amended (Article 5420k, Vernon's Texas Civil Statutes)~~]. Unless continued in existence as provided by that Act, the board is abolished [~~;~~] and this Act expires [effective] September 1, 1993."

SECTION 125. Section 2.01a, Texas Optometry Act, as amended (Article 4552-2.01a, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 2.01a. The Texas Optometry Board is subject to the Texas Sunset Act (*Chapter 325, Government Code*). Unless [~~; as amended (Article 5420k, Vernon's Texas Civil Statutes)~~] and unless continued in existence as provided by that Act, the board is abolished [~~;~~] and this Act expires [effective] September 1, 1993."

SECTION 126. Subsection (j), Section 2, Chapter 366, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 4566-1.02, Vernon's Texas Civil Statutes), is amended to read as follows:

"(j) The Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids is subject to the Texas Sunset Act (*Chapter 325, Government Code*). *Unless [; as amended (Article 5420k, Vernon's Texas Civil Statutes); and unless]* continued in existence as provided by that Act, the board is abolished [;] and this Act expires [effective] September 1, 1993."

SECTION 127. Subsection N, Section 2, Chapter 251, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 4582b, Vernon's Texas Civil Statutes), is amended to read as follows:

"N. The State Board of Morticians is subject to the Texas Sunset Act (*Chapter 325, Government Code*). *Unless [; as amended (Article 5420k, Vernon's Texas Civil Statutes); and unless]* continued in existence as provided by that Act, the board is abolished [;] and this Act expires [effective] September 1, 1991."

SECTION 128. Section 3a, Chapter 480, Acts of the 64th Legislature, Regular Session, 1975 (Article 5115.1, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 3a. The Commission on Jail Standards is subject to the Texas Sunset Act (*Chapter 325, Government Code*). *Unless [; and unless]* continued in existence as provided by that Act, the commission is abolished [;] and this Act expires [effective] September 1, 1987."

SECTION 129. Subsection (d), Section 4, Chapter 201, Acts of the 60th Legislature, Regular Session, 1967 (Article 5182a, Vernon's Texas Civil Statutes), is amended to read as follows:

"(d) The Occupational Safety Board is subject to the Texas Sunset Act (*Chapter 325, Government Code*). *Unless [; and unless]* continued in existence as provided by that Act, the board is abolished [;] and this Act expires [effective] September 1, 1985."

SECTION 130. Subsection (i), Section 10, Texas Unemployment Compensation Act, as amended (Article 5221b-8, Vernon's Texas Civil Statutes), is amended to read as follows:

"(i) Sunset Provision: The Texas Employment Commission is subject to the Texas Sunset Act (*Chapter 325, Government Code*). *Unless [(Article 5420k, Vernon's Texas Civil Statutes); and unless]* continued in existence as provided by that Act, the Commission is abolished [effective] September 1, 1995."

SECTION 131. Section 5, Land Surveying Practices Act of 1979 (Article 5282c, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 5. TEXAS SUNSET ACT. The Texas Board of Land Surveying is subject to the Texas Sunset Act (*Chapter 325, Government Code*). *Unless [; as amended (Article 5420k, Vernon's Texas Civil Statutes); and unless]* continued in existence as provided by that Act, the board is abolished and this Act expires [effective] September 1, 1991."

SECTION 132. Section 1a, Chapter 279, Acts of the 59th Legislature, Regular Session, 1965 (Article 5421z, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1a. The Texas Indian Commission is subject to the Texas Sunset Act (*Chapter 325, Government Code*). *Unless [; and unless]* continued in existence as provided by that Act, the commission is abolished [;] and this Act expires [effective] September 1, 1989."

SECTION 133. Section 11, Chapter 436, Acts of the 67th Legislature, Regular Session, 1981 (Article 5429l, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 11. APPLICATION OF SUNSET ACT. The committee is subject to the Texas Sunset Act (*Chapter 325, Government Code*) [; as amended (Article 5420k, Vernon's Texas Civil Statutes)]. *Unless* continued in existence as provided by that Act, the committee is abolished and this Act expires on September 1, 1993."

SECTION 134. Section 2a, Chapter 722, Acts of the 62nd Legislature, Regular Session, 1971 (Article 5444b, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 2a. The State Law Library is subject to the Texas Sunset Act (*Chapter 325, Government Code*). *Unless [; and unless]* continued in existence as provided by that Act, the library is abolished [;] and this Act expires [effective] September 1, 1987."

SECTION 135. Subsection (e), Section 4, Chapter 411, Acts of the 53rd Legislature, Regular Session, 1953 (Article 5561c, Vernon's Texas Civil Statutes), is amended to read as follows:

"(e) The Texas Commission on Alcoholism is subject to the Texas Sunset Act (*Chapter 325, Government Code*). *Unless [; and unless]* continued in existence as provided by that Act, the commission is abolished [;] and this Act expires [effective] September 1, 1985."

SECTION 136. Section 2a, Chapter 316, Acts of the 61st Legislature, Regular Session, 1969 (Article 5561f, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 2a. The office of Interstate Compact on Mental Health Administrator for Texas is subject to the Texas Sunset Act (*Chapter 325, Government Code*). *Unless [; and unless]* continued in existence as provided by that Act, the office is abolished [;] and this Act expires *[effective]* September 1, 1985."

SECTION 137. Section 1A, Chapter 516, Acts of the 60th Legislature, Regular Session, 1967 (Article 5966a, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1A. The State ~~[Judicial Qualifications]~~ *Commission on Judicial Conduct* is subject to the Texas Sunset Act (*Chapter 325, Government Code*), but it is not abolished under that Act. The commission shall be reviewed under the Texas Sunset Act during the period in which state agencies abolished *[effective]* September 1 of 1987 and of every 12th year after 1987 are reviewed."

SECTION 138. Subsection (f), Section 1, Chapter 137, Acts of the 58th Legislature, Regular Session, 1963 (Article 6144f, Vernon's Texas Civil Statutes), is amended to read as follows:

"(f) The Texas Tourist Development Agency is subject to the Texas Sunset Act (*Chapter 325, Government Code*). *Unless [; and unless]* continued in existence as provided by that Act, the agency is abolished [;] and this Act expires *[effective]* September 1, 1989."

SECTION 139. Section 1A, Chapter 323, Acts of the 59th Legislature, Regular Session, 1965 (Article 6144g, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1A. The Texas Commission on the Arts is subject to the Texas Sunset Act (*Chapter 325, Government Code*). *Unless [; as amended (Article 5420k, Vernon's Texas Civil Statutes), and unless]* continued in existence as provided by that Act, the commission is abolished [;] and this Act expires *[effective]* September 1, 1995."

SECTION 140. Section 1B, Chapter 500, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 6145, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1B. The Texas Historical Commission is subject to the Texas Sunset Act (*Chapter 325, Government Code*). *Unless [; as amended (Article 5420k, Vernon's Texas Civil Statutes), and unless]* continued in existence as provided by that Act, the commission is abolished [;] and this Act expires *[effective]* September 1, 1995."

SECTION 141. Section 3a, Chapter 212, Acts of the 40th Legislature, Regular Session, 1927 (Article 6166b-1, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 3a. APPLICATION OF SUNSET ACT. The Texas Board of Corrections is subject to the Texas Sunset Act (*Chapter 325, Government Code*). *Unless [; and unless]* continued in existence as provided by that Act, the board is abolished *[effective]* September 1, 1987."

SECTION 142. Section 19A, Chapter 125, Acts of the 45th Legislature, Regular Session, 1937 (Article 6243e, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 19A. The office of Firemen's Pension Commissioner is subject to the Texas Sunset Act (*Chapter 325, Government Code*). *Unless [; and unless]* continued in existence as provided by that Act, the office is abolished [;] and this Act expires September 1, 1987."

SECTION 143. Section 4a, The Plumbing License Law, as amended (Article 6243-101, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 4a. The Texas State Board of Plumbing Examiners is subject to the Texas Sunset Act (*Chapter 325, Government Code*). *Unless [; as amended (Article 5420k, Vernon's Texas Civil Statutes), and unless]* continued in existence as provided by that Act, the board is abolished [;] and this Act expires *[effective]* September 1, 1993."

SECTION 144. Section 1a, Chapter 32, Acts of the 62nd Legislature, Regular Session, 1971 (Article 6252-6b, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1a. The Texas Surplus Property Agency is subject to the Texas Sunset Act (*Chapter 325, Government Code*). *Unless [; and unless]* continued in existence as provided by that Act, the agency is abolished [;] and this Act expires *[effective]* September 1, 1987."

SECTION 145. Subsection (e), Section 2, Chapter 322, Acts of the 67th Legislature, Regular Session, 1981 (Article 6252-11d, Vernon's Texas Civil Statutes), is amended to read as follows:

"(e) The Texas Merit System Council is subject to the Texas Sunset Act (*Chapter 325, Government Code*) *[; as amended (Article 5420k, Vernon's Texas Civil Statutes)]*. Unless continued in existence as provided by that Act, the council is abolished and this Act expires September 1, 1993."

SECTION 146. Section 5(k), The Real Estate License Act, as amended (Article 6573a, Vernon's Texas Civil Statutes), is amended to read as follows:

"(k) The Texas Real Estate Commission is subject to the Texas Sunset Act (*Chapter 325, Government Code*). *Unless* [; ~~as amended (Article 5420k, Vernon's Texas Civil Statutes); and unless~~] continued in existence as provided by that Act, the commission is abolished [;] and this Act expires [effective] September 1, 1991."

SECTION 147. Section 3a, Chapter 410, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 6674v, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 3a. The Texas Turnpike Authority is subject to the Texas Sunset Act (*Chapter 325, Government Code*). *Unless* [; ~~and unless~~] continued in existence as provided by that Act, the authority is abolished [;] and this Act expires [effective] September 1, 1991."

SECTION 148. Section 1a, Interstate Civil Defense and Disaster Compact (Article 6889-5, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1a. The office of Interstate Civil Defense and Disaster Compact Administrator for Texas is subject to the Texas Sunset Act (*Chapter 325, Government Code*). *Unless* [; ~~and unless~~] continued in existence as provided by that Act, the office is abolished [;] and this Act expires [effective] September 1, 1987."

SECTION 149. Section 5(i), The Veterinary Licensing Act (Article 7465a, Vernon's Texas Civil Statutes), is amended to read as follows:

"(i) The State Board of Veterinary Medical Examiners is subject to the Texas Sunset Act (*Chapter 325, Government Code*). *Unless* [; ~~as amended (Article 5420k, Vernon's Texas Civil Statutes); and unless~~] continued in existence as provided by that Act, the board is abolished [;] and this Act expires [effective] September 1, 1993."

SECTION 150. Section 6a, The Water Well Drillers Act, as amended (Article 7621e, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 6a. The Texas Water Well Drillers Board is subject to the Texas Sunset Act (*Chapter 325, Government Code*) [; ~~as amended (Article 5420k, Vernon's Texas Civil Statutes)~~]. *Unless* continued in existence as provided by that Act, the board is abolished [;] and this Act expires [effective] September 1, 1993."

SECTION 151. Section 26a, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929, as amended (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 26a. The State Board of Barber Examiners is subject to the Texas Sunset Act (*Chapter 325, Government Code*). *Unless* [; ~~and unless~~] continued in existence as provided by that Act, the board is abolished [;] and this Act expires [effective] September 1, 1991."

SECTION 152. Subsection (g), Section 2, Chapter 1036, Acts of the 62nd Legislature, Regular Session, 1971 (Article 8451a, Vernon's Texas Civil Statutes), is amended to read as follows:

"(g) The Texas Cosmetology Commission is subject to the Texas Sunset Act (*Chapter 325, Government Code*) [~~(Article 5420k, Vernon's Texas Civil Statutes)~~]. *Unless* continued in existence as provided by the Act, the commission is abolished and this Act expires [effective] September 1, 1991."

SECTION 153. Section 16, Chapter 197, Acts of the 66th Legislature, Regular Session, 1979 (Article 8751, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 16. SUNSET PROVISION. The board is subject to the Texas Sunset Act (*Chapter 325, Government Code*). *Unless* [; ~~and unless~~] continued in existence as provided by that Act, the board is abolished and this Act expires [effective] September 1, 1991."

SECTION 154. Section (6), Article 2.02, Title 79, Revised Statutes, as amended (Article 5069-2.02, Vernon's Texas Civil Statutes), is amended to read as follows:

"(6) The Office of Consumer Credit Commissioner is subject to the Texas Sunset Act (*Chapter 325, Government Code*). *Unless* [; ~~as amended (Article 5420k, Vernon's Texas Civil Statutes); and unless~~] continued in existence as provided by that Act, the office is abolished [effective] September 1, 1995."

SECTION 155. Article 3a, Chapter I, Texas Banking Code of 1943, as amended (Article 342-103a, Vernon's Texas Civil Statutes), is amended to read as follows:

"Article 3a. APPLICATION OF SUNSET ACT. The Finance Commission of Texas is subject to the Texas Sunset Act (*Chapter 325, Government Code*). *Unless* [; ~~as amended (Article 5420k, Vernon's Texas Civil Statutes); and unless~~] continued in existence as provided by that Act, the commission is abolished [effective] September 1, 1995."

SECTION 156. Section 8, Article 15, Chapter I, Texas Banking Code of 1943, as amended (Article 342-115, Vernon's Texas Civil Statutes), is amended to read as follows:

"8. The State Banking Board is subject to the Texas Sunset Act (*Chapter 325, Government Code*). ~~Unless [; as amended (Article 5420k, Vernon's Texas Civil Statutes); and unless]~~ continued in existence as provided by that Act, the board is abolished [effective] September 1, 1995."

SECTION 157. Article 1a, Chapter II, Texas Banking Code of 1943, as amended (Article 342-201a, Vernon's Texas Civil Statutes), is amended to read as follows:

"Article 1a. APPLICATION OF SUNSET ACT. The office of Banking Commissioner is subject to the Texas Sunset Act (*Chapter 325, Government Code*). ~~Unless [; as amended (Article 5420k, Vernon's Texas Civil Statutes); and unless]~~ continued in existence as provided by that Act, the office is abolished [effective] September 1, 1995."

SECTION 158. Section (j), Article 5, Chapter II, Texas Banking Code of 1943, as amended (Article 342-205, Vernon's Texas Civil Statutes), is amended to read as follows:

"(j) The office of Savings and Loan Commissioner is subject to the Texas Sunset Act (*Chapter 325, Government Code*). ~~Unless [; as amended (Article 5420k, Vernon's Texas Civil Statutes); and unless]~~ continued in existence as provided by that Act, the office is abolished [effective] September 1, 1995."

SECTION 159. Section (f), Article 1.02, Insurance Code, as amended, is amended to read as follows:

"(f) The State Board of Insurance is subject to the Texas Sunset Act (*Chapter 325, Government Code*). ~~Unless [; as amended (Article 5420k, Vernon's Texas Civil Statutes); and unless]~~ continued in existence as provided by that Act, the board is abolished [effective] September 1, 1995."

SECTION 160. Section 157a, Texas Election Code, as amended (Article 9.29a, Vernon's Texas Election Code), is amended to read as follows:

"157a. The State Board of Canvassers is subject to the Texas Sunset Act (*Chapter 325, Government Code*). ~~Unless [; and unless]~~ continued in existence as provided by that Act, the board is abolished [effective] September 1, 1989."

SECTION 161. Section 2.01B, Texas Mental Health and Mental Retardation Act, as amended (Article 5547-202, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 2.01B. The Texas Department of Mental Health and Mental Retardation is subject to the Texas Sunset Act (*Chapter 325, Government Code*). ~~Unless [; as amended (Article 5420k, Vernon's Texas Civil Statutes); and unless]~~ continued in existence as provided by that Act, the department is abolished [;] and this article expires [effective] September 1, 1987."

SECTION 162. Section 3a, Article 42.11, Code of Criminal Procedure, 1965, as amended, is amended to read as follows:

"Section 3a. The office of Interstate Parole Compact Administrator for Texas is subject to the Texas Sunset Act (*Chapter 325, Government Code*). ~~Unless [; and unless]~~ continued in existence as provided by that Act, the office is abolished [;] and this Article expires [effective] September 1, 1987."

SECTION 163. Section 12a, Article 42.12, Code of Criminal Procedure, 1965, as amended, is amended to read as follows:

"Section 12a. The Board of Pardons and Paroles is subject to the Texas Sunset Act (*Chapter 325, Government Code*), but it is not abolished under that Act. The board shall be reviewed under the Texas Sunset Act during the period in which state agencies abolished [effective] September 1 of 1987 and of every 12th year after 1987 are reviewed."

SECTION 164. Article 304a, Revised Statutes, as amended, is amended to read as follows:

"Article 304a. APPLICATION OF SUNSET ACT. The Board of Law Examiners is subject to the Texas Sunset Act (*Chapter 325, Government Code*). ~~Unless [; and unless]~~ continued in existence as provided by that Act, the board is abolished [effective] September 1, 1991."

SECTION 165. Article 1811aa, Revised Statutes, is amended to read as follows:

"Article 1811aa. The office of State Prosecuting Attorney is subject to the Texas Sunset Act (*Chapter 325, Government Code*). ~~Unless [; and unless]~~ continued in existence as provided by that Act, the office is abolished [effective] September 1, 1987."

SECTION 166. Section 1, Article 2525a, Revised Statutes, as amended, is amended to read as follows:

"Section 1. The State Depository Board is subject to the Texas Sunset Act (*Chapter 325, Government Code*) [; as amended (Article 5420k, Vernon's Texas Civil Statutes)]. ~~Unless~~ continued in existence as provided by that Act, the board is abolished [effective] September 1, 1995."

SECTION 167. Article 4330a, Revised Statutes, is amended to read as follows:

"Article 4330a. The office of secretary of state is subject to the Texas Sunset Act (*Chapter 325, Government Code*), but it is not abolished under that Act. The office shall be reviewed under the Texas Sunset Act during the period in which state agencies abolished [effective] September 1 of 1989 and of every 12th year after 1989 are reviewed."

SECTION 168. Section 2, Article 4418g-1, Revised Statutes, is amended to read as follows:

"Section 2. APPLICATION OF SUNSET ACT. The advisory committee is subject to the Texas Sunset Act (*Chapter 325, Government Code*) [~~as amended (Article 5420k, Vernon's Texas Civil Statutes)~~]. Unless the advisory committee is continued in existence as provided by that Act, the advisory committee is abolished and this Act expires [effective] September 1, 1985."

SECTION 169. Article 4513a, Revised Statutes, as amended, is amended to read as follows:

"Article 4513a. The Board of Nurse Examiners is subject to the Texas Sunset Act (*Chapter 325, Government Code*). Unless [~~as amended (Article 5420k, Vernon's Texas Civil Statutes)~~ and unless] continued in existence as provided by that Act, the board is abolished [effective] September 1, 1993."

SECTION 170. Article 4543a, Revised Statutes, as amended, is amended to read as follows:

"Article 4543a. APPLICATION OF SUNSET ACT. The State Board of Dental Examiners is subject to the Texas Sunset Act (*Chapter 325, Government Code*). Unless [~~as amended (Article 5420k, Vernon's Texas Civil Statutes)~~ and unless] continued in existence as provided by that Act, the board is abolished [effective] September 1, 1993."

SECTION 171. Article 4568b, Revised Statutes, as amended, is amended to read as follows:

"Article 4568b. APPLICATION OF SUNSET ACT. The Texas State Board of Podiatry Examiners is subject to the Texas Sunset Act (*Chapter 325, Government Code*) [~~as amended (Article 5420k, Vernon's Texas Civil Statutes)~~]. Unless continued in existence as provided by that Act, the board is abolished [effective] September 1, 1993."

SECTION 172. Article 4583a, Revised Statutes, is amended to read as follows:

"Article 4583a. The Anatomical Board of the State of Texas is subject to the Texas Sunset Act (*Chapter 325, Government Code*). Unless [~~and unless~~] continued in existence as provided by that Act, the board is abolished [effective] September 1, 1985."

SECTION 173. Article 5144a, Revised Statutes, is amended to read as follows:

"Article 5144a. The office of Commissioner of Labor and Standards is subject to the Texas Sunset Act (*Chapter 325, Government Code*). Unless [~~and unless~~] continued in existence as provided by that Act, the office is abolished [effective] September 1, 1989."

SECTION 174. Article 5183a, Revised Statutes, as amended, is amended to read as follows:

"Article 5183a. APPLICATION OF SUNSET ACT. The Texas Economic Development Commission is subject to the Texas Sunset Act (*Chapter 325, Government Code*). Unless [~~as amended (Article 5420k, Vernon's Texas Civil Statutes)~~ and unless] continued in existence as provided by that Act, the commission is abolished [effective] September 1, 1995."

SECTION 175. Section 5, Chapter 597, Acts of the 66th Legislature, Regular Session, 1979 (Article 5282c, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 5. TEXAS SUNSET ACT. The Texas Board of Land Surveying is subject to the Texas Sunset Act (*Chapter 325, Government Code*). Unless [~~as amended (Article 5420k, Vernon's Texas Civil Statutes)~~ and unless] continued in existence as provided by that Act, the board is abolished and this Act expires [effective] September 1, 1991."

SECTION 176. Article 5434a, Revised Statutes, as amended, is amended to read as follows:

"Article 5434a. APPLICATION OF SUNSET ACT. The Texas State Library and Archives Commission is subject to the Texas Sunset Act (*Chapter 325, Government Code*). Unless [~~as amended (Article 5420k, Vernon's Texas Civil Statutes)~~ and unless] continued in existence as provided by that Act, the commission is abolished [effective] September 1, 1995."

SECTION 177. Subsection (c), Section 1, Article 5781, Revised Statutes, as amended, is amended to read as follows:

"(c) The Adjutant General's Department is subject to the Texas Sunset Act (*Chapter 325, Government Code*). Unless [~~(Article 5420k, Vernon's Texas Civil Statutes)~~ and unless] continued in existence as provided by that Act, the Department is abolished [~~;~~] and this Article expires [effective] September 1, 1993."

SECTION 178. Subsection (b-1), Section 3, Article 5787, Revised Statutes, as amended, is amended to read as follows:

"(b-1) The Veterans Affairs Commission of the State of Texas is subject to the Texas Sunset Act (*Chapter 325, Government Code*). Unless [; as amended (*Article 5420k, Vernon's Texas Civil Statutes*); and unless] continued in existence as provided by that Act, the commission is abolished [effective] September 1, 1993. The Commission is subject to the open meetings law, Chapter 271, Acts of the 60th Legislature, Regular Session, 1967, as amended (*Article 6252-17, Vernon's Texas Civil Statutes*), and the Administrative Procedure and Texas Register Act, as amended (*Article 6252-13a, Vernon's Texas Civil Statutes*)."

SECTION 179. Article 5931-1a, Revised Statutes, as amended, is amended to read as follows:

"Article 5931-1a. APPLICATION OF SUNSET ACT. The Texas National Guard Armory Board is subject to the Texas Sunset Act (*Chapter 325, Government Code*). Unless [; as amended (*Article 5420k, Vernon's Texas Civil Statutes*); and unless] continued in existence as provided by that Act, the Board is abolished [;] and this Title expires [effective] September 1, 1993."

SECTION 180. Article 6445a, Revised Statutes, as amended, is amended to read as follows:

"Article 6445a. APPLICATION OF SUNSET ACT. The Railroad Commission of Texas is subject to the Texas Sunset Act (*Chapter 325, Government Code*). Unless [(*Article 5420k, Vernon's Texas Civil Statutes*); and unless] continued in existence as provided by that Act, the commission is abolished [effective] September 1, 1995."

SECTION 181. Section (c), Article 6663, Revised Statutes, is amended to read as follows:

"(c) The State Department of Highways and Public Transportation is subject to the Texas Sunset Act (*Chapter 325, Government Code*). Unless [; and unless] continued in existence as provided by that Act, the department is abolished [effective] September 1, 1987."

SECTION 182. Section 1a, Article 8307, Revised Statutes, as amended, is amended to read as follows:

"Section 1a. The Industrial Accident Board is subject to the Texas Sunset Act (*Chapter 325, Government Code*). Unless [; as amended (*Article 5420k, Vernon's Texas Civil Statutes*); and unless] continued in existence as provided by that Act, the board is abolished [;] and this article expires [effective] September 1, 1995."

SECTION 183. Section 11.003, Agriculture Code, is amended to read as follows:

"Section 11.003. SUNSET PROVISION. The department is subject to the Texas Sunset Act (*Chapter 325, Government Code*) [(*Article 5420k, Vernon's Texas Civil Statutes*)]. Unless continued in existence as provided by that Act, the department is abolished and this chapter expires [effective] September 1, 1987."

SECTION 184. Subsection (b), Section 42.002, Agriculture Code, is amended to read as follows:

"(b) The Natural Fibers and Food Protein Commission is subject to the Texas Sunset Act (*Chapter 325, Government Code*) [(*Article 5420k, Vernon's Texas Civil Statutes*)]. Unless continued in existence as provided by that Act, the commission is abolished and this chapter expires [effective] September 1, 1987."

SECTION 185. Subsection (e), Section 62.002, Agriculture Code, is amended to read as follows:

"(e) The State Seed and Plant Board is subject to the Texas Sunset Act (*Chapter 325, Government Code*) [(*Article 5420k, Vernon's Texas Civil Statutes*)]. Unless continued in existence as provided by that Act, the board is abolished [;] and this chapter expires [effective] September 1, 1987."

SECTION 186. Subsection (c), Section 131.002, Agriculture Code, as amended, is amended to read as follows:

"(c) The office of state entomologist is subject to the Texas Sunset Act (*Chapter 325, Government Code*) [(*Article 5420k, Vernon's Texas Civil Statutes*)]. Unless continued in existence as provided by that Act, the office is abolished [effective] September 1, 1985."

SECTION 187. Subsection (b), Section 133.001, Agriculture Code, is amended to read as follows:

"(b) The Poultry Improvement Board is subject to the Texas Sunset Act (*Chapter 325, Government Code*) [(*Article 5420k, Vernon's Texas Civil Statutes*)]. Unless continued in existence as provided by that Act, the board is abolished and this section expires September 1, 1987."

SECTION 188. Section 161.027, Agriculture Code, is amended to read as follows:

"Section 161.027. SUNSET PROVISION. The commission is subject to the Texas Sunset Act (*Chapter 325, Government Code*) [~~(Article 5420k, Vernon's Texas Civil Statutes)~~]. Unless continued in existence as provided by that Act, the commission is abolished [effective] September 1, 1987."

SECTION 189. Section 201.025, Agriculture Code, is amended to read as follows:

"Section 201.025. SUNSET PROVISION. The state board is subject to the Texas Sunset Act (*Chapter 325, Government Code*) [~~(Article 5420k, Vernon's Texas Civil Statutes)~~]. Unless continued in existence as provided by that Act, the board is abolished and this chapter expires [effective] September 1, 1985."

SECTION 190. Subsection (b), Section 5.01, Alcoholic Beverage Code, as amended, is amended to read as follows:

"(b) The commission is subject to the Texas Sunset Act (*Chapter 325, Government Code*) [~~(Article 5420k, Vernon's Texas Civil Statutes)~~]. Unless it is continued in existence as provided by that Act, the commission is abolished and this code expires on September 1, 1987."

SECTION 191. Section 11.011, Education Code, as amended, is amended to read as follows:

"Section 11.011. APPLICATION OF SUNSET ACT. The Central Education Agency is subject to the Texas Sunset Act (*Chapter 325, Government Code*). Unless [~~;~~ and unless] continued in existence as provided by that Act, the agency is abolished [effective] September 1, 1989."

SECTION 192. Section 11.211, Education Code, as amended, is amended to read as follows:

"Section 11.211. APPLICATION OF SUNSET ACT. The State Board of Education is subject to the Texas Sunset Act (*Chapter 325, Government Code*), but it is not abolished under that Act. The board shall be reviewed under the Texas Sunset Act during the period in which state agencies abolished [effective] September 1 of 1989 and every 12th year after 1989 are reviewed."

SECTION 193. Subsection (g), Section 12.11, Education Code, as amended, is amended to read as follows:

"(g) The State Textbook Committee is subject to the Texas Sunset Act (*Chapter 325, Government Code*). Unless [~~;~~ and unless] continued in existence as provided by that Act, the committee is abolished [effective] September 1, 1989."

SECTION 194. Subsection (d), Section 13.031, Education Code, as amended, is amended to read as follows:

"(d) The Commission on Standards for the Teaching Profession is subject to the Texas Sunset Act (*Chapter 325, Government Code*). Unless [~~;~~ and unless] continued in existence as provided by that Act, the Commission is abolished [effective] September 1, 1989."

SECTION 195. Section 13.2031, Education Code, as amended, is amended to read as follows:

"Section 13.2031. APPLICATION OF SUNSET ACT. The Teachers' Professional Practices Commission is subject to the Texas Sunset Act (*Chapter 325, Government Code*). Unless [~~;~~ and unless] continued in existence as provided by that Act, the commission is abolished [effective] September 1, 1989."

SECTION 196. Section 31.20, Education Code, as amended, is amended to read as follows:

"Section 31.20. APPLICATION OF SUNSET ACT. The council is subject to the Texas Sunset Act (*Chapter 325, Government Code*) [~~;~~ as amended (~~Article 5420k, Vernon's Texas Civil Statutes~~)]. Unless continued in existence as provided by that Act, the council is abolished [effective] September 1, 1995."

SECTION 197. Subsection (e), Section 51.153, Education Code, as amended, is amended to read as follows:

"(e) The Western Information Network Association is subject to the Texas Sunset Act (*Chapter 325, Government Code*). Unless [~~;~~ and unless] continued in existence as provided by that Act, the association is abolished [effective] September 1, 1989."

SECTION 198. Subsection (d), Section 51.168, Education Code, as amended, is amended to read as follows:

"(d) An information network association created under this section is subject to the Texas Sunset Act (*Chapter 325, Government Code*). Unless [~~;~~ and unless] continued in existence as provided by that Act, the association is abolished [effective] September 1, 1989."

SECTION 199. Subsection (a), Section 57.12, Education Code, as amended, is amended to read as follows:

"(a) The Texas Guaranteed Student Loan Corporation is subject to the Texas Sunset Act (*Chapter 325, Government Code*). ~~Unless (Article 5420k, Vernon's Texas Civil Statutes) and unless~~ continued in existence as provided by that Act, the corporation is abolished [;] and this chapter expires [effective] September 1, 1991."

SECTION 200. Section 61.0211, Education Code, as amended, is amended to read as follows:

"Section 61.0211. APPLICATION OF SUNSET ACT. The Coordinating Board, Texas College and University System, is subject to the Texas Sunset Act (*Chapter 325, Government Code*). ~~Unless [; and unless]~~ continued in existence as provided by that Act, the board is abolished [;] and this chapter expires [effective] September 1, 1989."

SECTION 201. Subsection (e), Section 66.62, Education Code, as amended, is amended to read as follows:

"(e) The Board for Lease of University Lands is subject to the Texas Sunset Act (*Chapter 325, Government Code*). ~~Unless [; and unless]~~ continued in existence as provided by that Act, the board is abolished [effective] September 1, 1985."

SECTION 202. Section 86.511, Education Code, as amended, is amended to read as follows:

"Section 86.511. APPLICATION OF SUNSET ACT. The Real Estate Research Center is subject to the Texas Sunset Act (*Chapter 325, Government Code*). ~~Unless [; as amended (Article 5420k, Vernon's Texas Civil Statutes); and unless]~~ continued in existence as provided by that Act, the center is abolished [;] and this subchapter expires [effective] September 1, 1993."

SECTION 203. Section 88.1011, Education Code, as amended, is amended to read as follows:

"Section 88.1011. APPLICATION OF SUNSET ACT. The office of State Forester is subject to the Texas Sunset Act (*Chapter 325, Government Code*). ~~Unless [; and unless]~~ continued in existence as provided by that Act, the office is abolished [effective] September 1, 1985."

SECTION 204. Section 160.041, Education Code, is amended to read as follows:

"Section 160.041. APPLICATION OF SUNSET ACT. The office of Southern Regional Education Compact Commissioner for Texas is subject to the Texas Sunset Act (*Chapter 325, Government Code*). ~~Unless [; and unless]~~ continued in existence as provided by that Act, the office is abolished [;] and this chapter expires [effective] September 1, 1989."

SECTION 205. Section 161.021, Education Code, is amended to read as follows:

"Section 161.021. APPLICATION OF SUNSET ACT. The office of Compact for Education Commissioner for Texas is subject to the Texas Sunset Act (*Chapter 325, Government Code*). ~~Unless [; and unless]~~ continued in existence as provided by that Act, the office is abolished [;] and this chapter expires [effective] September 1, 1989."

SECTION 206. Section 11.0111, Parks and Wildlife Code, is amended to read as follows:

"Section 11.0111. APPLICATION OF SUNSET ACT. The Parks and Wildlife Department is subject to the Texas Sunset Act (*Chapter 325, Government Code*). ~~Unless [; and unless]~~ continued in existence as provided by that Act, the department is abolished [effective] September 1, 1985."

SECTION 207. Section 91.0011, Parks and Wildlife Code, is amended to read as follows:

"Section 91.0011. APPLICATION OF SUNSET ACT. The office of Gulf States Marine Fisheries Compact Commissioner for Texas is subject to the Texas Sunset Act (*Chapter 325, Government Code*). ~~Unless [; and unless]~~ continued in existence as provided by that Act, the office is abolished [;] and this chapter expires [effective] September 1, 1985."

SECTION 208. Subsection (c), Section 141.002, Tax Code, is amended to read as follows:

"(c) The office of Multistate Tax Compact Commissioner for Texas is subject to the Texas Sunset Act (*Chapter 325, Government Code*) [~~(Article 5420k, Vernon's Texas Civil Statutes)~~]. ~~Unless~~ continued in existence as provided by that Act, the office is abolished and this chapter expires [effective] September 1, 1989."

SECTION 209. Section 21.002, Human Resources Code, as amended, is amended to read as follows:

"Section 21.002. APPLICATION OF SUNSET ACT. The Texas Department of Human Resources is subject to the Texas Sunset Act (*Chapter 325, Government Code*). ~~Unless [; as amended (Article 5420k, Vernon's Texas Civil Statutes); and unless]~~ continued in existence as provided by that Act, the department is abolished and this title expires [effective] September 1, 1987."

SECTION 210. Subsection (n), Section 50.004, Human Resources Code, as amended, is amended to read as follows:

"(n) The council is subject to the Texas Sunset Act (*Chapter 325, Government Code*) [~~as amended (Article 5420k, Vernon's Texas Civil Statutes)~~]. Unless continued in existence as provided by that Act, the council is abolished and this section expires [effective] September 1, 1987. If the council is continued in existence beyond that date, subsequent sunset provisions should be made to conform with those of the Texas Department of Human Resources."

SECTION 211. Section 61.020, Human Resources Code, as amended, is amended to read as follows:

"Section 61.020. REVIEW. The commission is subject to the Texas Sunset Act (*Chapter 325, Government Code*). Unless [~~as amended (Article 5420k, Vernon's Texas Civil Statutes)~~; and unless] continued in existence as provided by that Act, the commission is abolished and this chapter expires [effective] September 1, 1987."

SECTION 212. Section 81.004, Human Resources Code, as amended, is amended to read as follows:

"Section 81.004. APPLICATION OF SUNSET ACT. The Texas Commission for the Deaf is subject to the Texas Sunset Act (*Chapter 325, Government Code*) [~~as amended (Article 5420k, Vernon's Texas Civil Statutes)~~]. Unless the commission is continued in existence as provided by that Act, the commission is abolished and this chapter expires [effective] September 1, 1985."

SECTION 213. Section 91.001, Human Resources Code, is amended to read as follows:

"Section 91.001. APPLICATION OF SUNSET ACT. The State Commission for the Blind is subject to the Texas Sunset Act (*Chapter 325, Government Code*). Unless [~~(Article 5420k, Vernon's Texas Civil Statutes)~~; and unless] continued in existence as provided by that Act, the commission is abolished and this chapter expires [effective] September 1, 1985."

SECTION 214. Section 101.002, Human Resources Code, as amended, is amended to read as follows:

"Section 101.002. APPLICATION OF SUNSET ACT. The department is subject to the Texas Sunset Act (*Chapter 325, Government Code*). Unless [~~as amended (Article 5420k, Vernon's Texas Civil Statutes)~~; and unless] continued in existence as provided by that Act, the department is abolished and this chapter expires [effective] September 1, 1985."

SECTION 215. Section 111.012, Human Resources Code, is amended to read as follows:

"Section 111.012. APPLICATION OF SUNSET ACT. The Texas Rehabilitation Commission is subject to the Texas Sunset Act (*Chapter 325, Government Code*). Unless [~~(Art. 5420k, Vernon's Texas Civil Statutes)~~; and unless] continued in existence as provided by that Act, the commission is abolished and this chapter expires [effective] September 1, 1985."

SECTION 216. Section 122.003, Human Resources Code, as amended, is amended to read as follows:

"Section 122.003. APPLICATION OF SUNSET ACT. The Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons is subject to the Texas Sunset Act (*Chapter 325, Government Code*) [~~as amended (Article 5420k, Vernon's Texas Civil Statutes)~~]. Unless continued in existence as provided by that Act, the committee is abolished and this chapter expires [effective] September 1, 1995."

SECTION 217. Section 11.107, Title 110B, Revised Statutes, is amended to read as follows:

"Section 11.107. APPLICATION OF SUNSET ACT. The board is subject to the Texas Sunset Act (*Chapter 325, Government Code*) [~~(Article 5420k, Vernon's Texas Civil Statutes)~~]. Unless the board is continued in existence as provided by that Act, the board is abolished and this chapter expires [effective] September 1, 1991."

SECTION 218. Section 25.005, Title 110B, Revised Statutes, is amended to read as follows:

"Section 25.005. APPLICATION OF SUNSET ACT. The board of trustees is subject to the Texas Sunset Act (*Chapter 325, Government Code*) [~~(Article 5420k, Vernon's Texas Civil Statutes)~~], but is not abolished under that Act. The board shall be reviewed under that Act during the period in which state agencies abolished [effective] September 1, 1989, and every 12th year after that date are reviewed."

SECTION 219. Section 35.006, Title 110B, Revised Statutes, is amended to read as follows:

"Section 35.006. APPLICATION OF SUNSET ACT. The board of trustees is subject to the Texas Sunset Act (*Chapter 325, Government Code*) [~~(Article 5420k, Vernon's Texas Civil Statutes)~~], but is not abolished under that Act. The board shall be reviewed under that Act during the period in which state agencies abolished [effective] September 1, 1989, and every 12th year after that date are reviewed."

SECTION 220. Section 55.006, Title 110B, Revised Statutes, is amended to read as follows:

"Section 55.006. APPLICATION OF SUNSET ACT. The board of trustees is subject to the Texas Sunset Act (*Chapter 325, Government Code*) [~~Article 5420k, Vernon's Texas Civil Statutes~~], but is not abolished under that Act. The board shall be reviewed under that Act during the period in which state agencies abolished [effective] September 1, 1989, and every 12th year after that date are reviewed."

SECTION 221. Section 65.006, Title 110B, Revised Statutes, is amended to read as follows:

"Section 65.006. APPLICATION OF SUNSET ACT. The board of trustees is subject to the Texas Sunset Act (*Chapter 325, Government Code*) [~~Article 5420k, Vernon's Texas Civil Statutes~~] but is not abolished under that Act. The board shall be reviewed under that Act during the period in which state agencies abolished [effective] September 1, 1989, and every 12th year after that date are reviewed."

SECTION 222. Section 8, Chapter 206, Acts of the 42nd Legislature, Regular Session, 1931 (Article 689a-7, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 8. Within thirty (30) days after the beginning of each regular session of the Legislature, the Governor may prepare and submit printed copies of a general appropriation bill for the ensuing biennium to the Speaker of the House of Representatives, to the Lieutenant Governor, and to each Member of the House and Senate; provided, however, that in years when a newly elected Governor other than the then Governor is to be inaugurated, the appropriation bill may be prepared by the incoming Governor and shall be transmitted to the Legislature within twenty (20) days from the date he takes the oath of office.

"[The Director of the Budget, under the direction of the Legislative Budget Board, shall also prepare a general appropriation bill for introduction at each regular session of the Legislature, and shall transmit copies of the bill to all Members of the Legislature and to the Governor within seven (7) days after the convening of any regular session of the Legislature.

"[Upon receipt of the general appropriation bill prepared by the Director of the Budget, the Lieutenant Governor in the Senate and the Speaker in the House may, if they so desire, cause such bill to be introduced in the Senate and in the House of Representatives, or it may be introduced by any Member of the House or the Senate. A general appropriation bill submitted by the Governor may also be introduced in like manner. Hearings on the appropriation bills shall be conducted before the Appropriation Committee of the House and the Finance Committee of the Senate. The Appropriations Committee and the Finance Committee may, if they so desire, begin preliminary committee hearings on the budget upon receipt of the bill prepared by the Director of the Budget without waiting for submission of the bill prepared by the Governor. All heads of departments, institutions or other agencies of the government requesting appropriations shall have the right to appear before either of these committees in behalf of the appropriation requested. Likewise, any taxpayer in the State shall have the right to be present and to be heard at the hearing on the proposed appropriation.]"

SECTION 223. If Title 2, Judicial Title, Government Code, is adopted by the 69th Legislature, Regular Session, 1985, and becomes law, Sections 82, 88, 134, 137, and 165 of this Act have no effect.

SECTION 224. The following articles and acts, as compiled in Vernon's Texas Civil Statutes, are repealed:

2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 11a, 11c, 23, 4413a-7a, 4413a-8, 4413a-8a, 4413a-9, 4413a-10, 4413a-11, 4413a-12, 4413a-13, 4413a-14, 4413a-14A, 4413a-14B, 4413a-14C, 4413a-15, 4413a-16, 4413a-17, 4413a-18, 4413a-19, 4413a-20, 4413a-21, 4413a-22, 4413a-23, 4413a-24, 5422, 5423, 5424, 5425, 5426, 5427, 5428, 5428a, 5428b, 5429, 5429b, 5429b-1, 5429b-2, 5429c, 5429c-1, 5429c-3, 5429c-4, 5429d, 5429e, 5429f, 5429g, 5429i, 5429k, 5429m, 5429o, 5444a, and 6252-9c.

SECTION 225. This Act is enacted pursuant to Article III, Section 43, of the Texas Constitution. This Act is intended as a recodification only, and no substantive change in the law is intended by this Act.

SECTION 226. This Act takes effect September 1, 1985.

SECTION 227. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on May 2, 1985, by the following vote: Yeas 31, Nays 0; passed the House on May 17, 1985, by a non-record vote.

Approved: June 11, 1985

Effective: September 1, 1985

CHAPTER 480

S.B. No. 1228

An Act relating to adoption of a nonsubstantive revision of the statutes relating to the judiciary; making conforming amendments and repeals and including penalties.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. ADOPTION OF CODE TITLE. Title 2, Government Code, is adopted to read as follows:

GOVERNMENT CODE

TITLE 2. JUDICIAL BRANCH

Subtitle A. Courts

- Chapter 21. General Provisions
- Chapter 22. Appellate Courts
- Chapter 23. General Provisions for Trial Courts
- Chapter 24. District Courts
- Chapter 25. [reserved for Statutory County Courts]
- Chapter 26. Constitutional County Courts
- Chapter 27. Justice Courts
- Chapter 28. Small Claims Courts
- Chapter 29. Municipal Courts
- Chapter 30. Municipal Courts of Record

Subtitle B. Judges

- Chapter 31. Additional Compensation of Justices of Courts of Appeals
- Chapter 32. Supplemental Compensation of District Judges for Certain Duties
- Chapter 33. State Commission on Judicial Conduct
- [Chapters 34-40 reserved for expansion]

Subtitle C. Prosecuting Attorneys

- Chapter 41. General Provisions
- Chapter 42. State Prosecuting Attorney
- Chapter 43. District Attorneys
- Chapter 44. Criminal District Attorneys
- Chapter 45. County Attorneys
- Chapter 46. Professional Prosecutors
- Chapter 47. Prosecutor Council; Discipline of Prosecutors
- [Chapters 48-50 reserved for expansion]

Subtitle D. Judicial Personnel and Officials

- Chapter 51. Clerks
- Chapter 52. Court Reporters
- Chapter 53. Bailiffs
- Chapter 54. Masters; Magistrates; Referees
- Chapter 55. Other Court Personnel
- [Chapters 56-60 reserved for expansion]

Subtitle E. Juries

- Chapter 61. General Provisions
- Chapter 62. Petit Juries
- [Chapters 63-70 reserved for expansion]

Subtitle F. Court Administration

- Chapter 71. Texas Judicial Council